

Application No: 14/1680C

Location: Land Between Manchester Road and, Giantswood Lane, Hulme Walfield, Congleton

Proposal: Outline application for residential development comprising up to 96no. dwellings including access

Applicant: Worth Partnership

Expiry Date: 15-Aug-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions and the completion of Legal Agreement to secure the following:-

- 1. Provision of 30% affordable housing units – 65% to be provided as social rent/affordable rent with 35% intermediate tenure**
- 2. The provision of Public Open Space together with maintenance fee of £27,244.80**
- 3. The provision of LEAP play provision together with maintenance fee of £68,774.40**
- 4. Highways contribution of £300,000 towards off site highways improvements**
- 5. Landscape Management Plan**

MAIN ISSUES

- Principal of the Development
- Housing Land Supply
- Sustainability
- Loss of Agricultural Land
- Landscape
- Affordable Housing
- Highway Implications
- Amenity
- Trees and Hedgerows
- Design
- Ecology
- Open Space
- Other
- Heads of Terms

REASON FOR REPORT

The application is to be determined by the Strategic Planning Board as it relates to an outline application for residential development on a site greater than 4ha.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 5.28ha (13.05 acres) and comprises an open field in the countryside but is adjacent to the northern edge of the settlement boundary of Congleton.

The site is allocated as Open Countryside within the Congleton Borough Local Plan First Review, but is identified as a strategic site for housing within the Submission Version of the Cheshire East Local Plan Strategy.

The field is located behind rows of houses along Giantswood Lane, Manchester Road and Walfield Avenue. The pattern of development along Giantswood Lane and Walfield Avenue is built up with large detached properties and a car sales business in a more dispersed pattern along Manchester Road.

There is a group of protected trees adjacent to Manchester Road and Hulme Walfield FP2 (public footpath) bisects the site East to West which leads to Hulme Walfield FP3 to the North which would meet the junction with Manchester Road.

The site slopes from the South to North with a change in levels of some 18m towards the existing stream on the site. Trees are to perimeter of the site along the North, East and Southeast boundaries with hedging to the remainder.

DETAILS OF PROPOSAL

The proposals relate to the submission of an outline application with access to be determined for construction of up to 96 dwellings on the site in a cul de sac formation, areas of public open space, wildlife corridor, two points of access (one pedestrian only and one for pedestrians and vehicles) and structural landscaping.

PLANNING HISTORY

The site has been in active agricultural use for over 40 years - in the mid 1990s two outline planning applications for residential development were submitted (Refs 26627/1 and 27712/1) however these were refused because the site is designated Open Countryside.

POLICIES

Congleton Borough Local Plan First Review policies

PS1 General Scale and Location of Development
PS3 Settlement Hierarchy
PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping

GR6 Amenity and Health
GR7 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR10 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR19 Infrastructure
GR20 Public Utilities
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3, NR4 & NR5 Habitats
NR8 Agricultural Land
H2 Provision of New Housing Development
H6 Residential Development in the Open Countryside
H13 Affordable Housing and Low Cost Housing
PS10 Jodrell Bank Radio Telescope Consultation Zone

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

Policy MP 1 Presumption in Favour of Sustainable Development
Policy PG 1 Overall Development Strategy

Policy PG 2 Settlement Hierarchy
Policy PG 5 Open Countryside
Policy PG 6 Spatial Distribution of Development
Policy SD 1 Sustainable Development in Cheshire East
Policy SD 2 Sustainable Development Principles
Policy IN 1 Infrastructure
Policy IN 2 Developer Contributions
Policy SC 1 Leisure and Recreation
Policy SC 2 Outdoor Sports Facilities
Policy SC 3 Health and Well-being
Policy SC 4 Residential Mix
Policy SC 5 Affordable Homes
Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
Policy SE 4 The Landscape
Policy SE 5 Trees, Hedgerows and Woodland
Policy SE 6 Green Infrastructure
Policy SE 7 The Historic Environment
Policy SE 8 Renewable and Low Carbon Energy
Policy SE 9 Energy Efficient Development
Policy SE 13 Flood Risk and Water Management
Policy SE 14 Jodrell Bank
Policy CO 1 Sustainable Travel and Transport
Policy CO 4 Travel Plans and Transport Assessments
Site CS 16 Giantswood Lane South, Congleton
Site CS 17 Manchester Road to Macclesfield Road, Congleton
Strategic Location SL 8 Giantswood Lane to Manchester Road, Congleton

Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance
The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Cheshire Local Transport Plan
Cheshire East Local Transport Plan Strategy
Cheshire East's Sustainable Community Strategy
Housing Land Supply Position Statement of 31st December 2013
The Interim Planning Policy: Affordable Housing,
Interim Policy Note on Public Open Space Provision for New Residential Development
Congleton Town Strategy

CONSULTATIONS (External to Planning)

Environmental Health – No objections. Recommends conditions in respect of Travel Planning, Dust Control, Contaminated Land and Electric vehicle Infrastructure

Sustrans - If this land use is approved by the council's planning committee our comments are as follows:

- 1) We support the entrance off Giantswood Lane for pedestrians/cyclists (and horses) only, leading onto the proposed bridleway. This should connect into the estate roads for convenience and be constructed to a durable standard for shared use.
- 2) The design of the estate roads should restrict vehicle speeds to less than 20mph.
- 3) The design of smaller properties without garages should include storage areas for residents' buggies/bikes.
- 4) We would like to see travel planning set up for the site with targets and monitoring, and with a sense of purpose.
- 5) National Cycle Network route 55 passes from Jackson Road to Giantswood Lane in this location. This is an awkward manoeuvre due to the difficult road conditions at the junction of Manchester and Macclesfield Roads.

Can this adjacent development make a contribution to improving this road junction for local pedestrians and cyclists?

Natural England – No objections in respect of impact upon SSSI, recommends enhancements to biodiversity and landscape character be conditioned.

Cheshire Fire and Rescue – Makes a series of recommendations in respect of refuse storage, sprinkle systems and means of escape. (All covered by Building Regulations)

PROW Unit – Contribution to upgrading PROW welcomed but requests further contribution to the improvement of pedestrian and cyclist facilities at the Manchester Road/Macclesfield Road junction which falls on a route to school for residents and the National Cycle Network.

Environment Agency – Recommends conditions in respect of surface water drainage and SUDS

United Utilities – No objections but recommends condition in respect of drainage and attachment of informative relating to public sewer easement required.

Highways – No objections but recommends contribution towards off site highways works

Eaton Parish Council - The above application has been sent to us for comment. We realise that the full application is not in our Parish - only the entrance to the site.

We have no planning objections but are pleased to note that the traffic from the development will be on to the Manchester Road and not Giantswood Lane.

We sympathise with the residents who have lost the open aspect from their properties through this application and trust that any impact on them will be mitigated.

VIEWS OF THE TOWN COUNCIL

No objection - subject to 106 funds being allocated to the Public Realm Strategy and the Link Road. In addition, a request be made to include some bungalows in the development

OTHER REPRESENTATIONS

Letters of objection from 9 Households which raise the following issues:

- Unsustainable
- Impact on schools and medical centre
- Access unsafe
- Properties would be out of keeping
- Impact upon neighbouring amenity during course of development and after
- Impact on open countryside and area of open space
- Development would encourage population growth
- Concerns regarding shortage of farming land
- 2.5 storeys inappropriate in area comprising mainly single storey dwellings
- Requests decision be deferred until Link Road usage can be monitored.
- Impact on wildlife
- Impact on highway and pedestrian safety
- Development not appropriate for a gateway site
- Health and safety concerns

Letter from Councillor Baxendale in support but mentioned that Manchester Road now has a 40mph speed limit and not 60mph as referred to in supporting documents.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Air Quality Assessment

The development site is located approximately 700m to the north-east of the AQMA boundary and any traffic generated by the proposals has the potential to cause adverse impacts to existing pollution levels within this sensitive area. As the impacts from dust, construction and vehicle emissions would be negligible; air quality issues are not considered a constraint to planning consent.

Noise Assessment

Main concern is impact of traffic from Manchester Road on future occupants. Construction specifications can mitigate the impact to future occupants internally, and consideration at the layout stage would enable gardens to be positioned away from Manchester Road with intervening features in-between.

Planning Statement

Provides details on the policy context and an explanatory section on why approval in advance of the adoption of the Local Plan would not be premature. Includes North West Sustainability Checklist Analysis. Indicates scheme would make a positive contribution towards housing land supply as scheme would be deliverable and viable. Site would be Grade 3a but benefits

would outweigh the impact. Allocation in emerging Local Plan and housing land supply considerations would justify departure from CBLP policies.

Contaminated Land Report

Recommends a Phase II survey is undertaken as past localised on-site and nearby off-site operations could have resulted in localised areas of contamination preventing the site from being considered fit for purpose.

Design & Access Statement

Highlights relevant policies within CBLP and indicates that site is allocated in emerging Local Plan under policy CS15 and that this is not dependent on the delivery of the Congleton Link Road. The DAS highlights the position contribution the proposals would make to housing land supply and the objectives of the emerging Local Plan. Considers the site to be a 'transition zone' between urban and rural areas. Acknowledges that the proposals would impact upon local services such as schools, doctors etc and would have beneficial effects on the local economy.

Tree Survey Report

Tree cover within the site is confined mainly to the southern and easterly boundaries. This includes two prominent mature individual trees situated by the verge of Manchester Road. A copse of trees separate Manchester Road from the main field, and there are numerous trees situated within the boundaries with adjoining properties. It was noted that adjacent Manchester Road are a number of semi-mature and early-mature dead Elm trees. These trees have perished due to Dutch Elm Disease and are in a state of decay. These trees require felling to abate a risk of harm to users of Manchester Road. An existing tree preservation order affects part of the site. Recommends further survey work.

Statement of Community Involvement

Provides details of the public exhibition undertaken and summarises comments received and provides a response to these issues.

Transport Assessment

Provides an assessment of the accessibility of the site - The site is situated fairly close to Congleton town centre, which will provide the scope for a high degree of linked walk trips between the development and Congleton's associated retail, commercial and employment provision and will, therefore, provide a reduction in overall travel and car use in line with the aims of a sustainable transport strategy. The site is accessible by foot and by cycle and these links will be improved as part of development proposals. The existing and improved infrastructure will provide excellent pedestrian linkages with the surrounding residential, retail and employment areas. Traffic surveys have also been undertaken along with projected traffic flows in respect of the proposals and committed development. The report provides an assessment of the capacity of the network and its ability to absorb the traffic generated by the development. The report also provides a Framework for a Residential Travel Plan.

Flood Risk Assessment

Environment Agency confirmed within Flood Zone 1 (low risk), United Utilities and CEC confirmed that site not at risk from public sewer flooding. Congleton Strategic Flood Risk Assessment consulted. Site suitable for implementation of Sustainable Urban Drainage Systems (SUDS) and Sequential Test satisfied.

Protected Species Survey

Phase 1 survey looking at Bats, breeding birds, badgers, invertebrate species, reptiles, amphibian species and brown hares. No evidence of protected species on the site and only BAP habitat affected would be the existing hedge – as only minor removal proposed impact would be mitigated via replacement planting.

Landscape and Visual Impact Assessment

The proposals will have an adverse impact upon landscape character due to the change in land use given the obvious loss of agricultural land. The developable area has little of great landscape value it does have strong connections to the wider landscape. However the site is well contained and a scheme of landscaping and retention of existing landscape features such as the hedging would mitigate the impact. Given that the proposals would sit comfortably with the existing settlement pattern and is a similar character to previous urban growth therefore the overall impact would be minor.

Drainage Assessment

Suitable foul and surface water drainage schemes are feasible for the proposed development. No significant on-site flood risks have been identified which would adversely affect the development and subject to appropriate design, there should be no significant increase in risk of flooding off-site due to the development.

OFFICER APPRAISAL

Principle of Development

The site is allocated as Open Countryside (Policy PS8) within the Congleton Local Plan First Review and therefore the policies within that plan indicate that housing would be unacceptable on this site.

The issue is therefore whether there are other material considerations associated with this proposal, which are of sufficient merit to outweigh any policy concerns.

In this case the consideration weight must be given to the sites identification within the Cheshire East Local Plan Strategy which given its submission status must be given weight following the lengthy and detailed consultation processes undertaken.

Policy CS16 within the emerging Local Plan states that the development of Giantswood Lane South over the Core Strategy period will be achieved through ‘the delivery of 150 new homes (at approximately 30 dwellings per hectare)’; the proposals are in compliance with this as 96 units equates to 30 dwellings per hectare over the site – the site does not cover all of the allocated area- it covers approximately 4/5ths but has to also accommodate landscape mitigation, open space, ecological mitigation and infrastructure requirements.

In respect of compliance with the Site Specific Principles of Development within policy CS16 which are as follows:-

- a. Contributions towards the delivery of the Congleton Link Road.*

Contribution of £300k agreed for Congleton Link Road or other off site highways improvements in the absence of this.

b. Contributions towards complimentary highway measures on the existing highway network.

See above.

c. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre.

Footpath across the site would be upgraded and improved to facilitate this.

d. The provision of a network of open spaces for nature conservation and recreation.

Provided on site as part of the indicative layout.

e. The timely provision of physical and social infrastructure to support development at this location.

Travel Plan and infrastructure requirements secured via conditions and legal agreement.

f. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.

Public realm and public art provision would be secured via conditions. The applicants have submitted a LVIA indicating that the impact can be mitigated through planting.

g. The design, layout and style of individual plots should be guided by appropriate masterplanning and design codes influenced by existing locational assets of the area and its surroundings. Development should integrate with the adjacent existing and proposed uses, particularly through sustainable transport, pedestrian and cycle links.

Submitted checklist demonstrates that the site is sustainable - Travel Planning would help deliver sustainable travel and the layout and design would be secured at the Reserved Matters stage.

h. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town

Submitted checklist demonstrates that the site is sustainable - Travel Planning would help deliver sustainable travel.

i. The Core Strategy Site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).

The proposals provide for affordable housing in accordance with policy SC5.

It is therefore considered that the site is in accordance with policy CS16 and therefore the principle of the development can be accepted.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.”*

Since the publication of the Housing Position Statement in February 2014 there have now been 5 principal appeal decisions (as of 1st August) which address housing land supply.

Each have concluded that the Council cannot demonstrate a five year supply of housing land, albeit for different reasons. Matters such as the housing requirement, the buffer and windfalls have all prompted varying conclusions to be made.

This demonstrates that there is not a consistent approach to housing land supply. The Planning Minister in a letter dated 14 July, noted that “differing conclusions” had been reached on the issue and requested that the Inspector in the Gresty Road appeal (Inquiry commenced 22 July) pay “especial attention” to all the evidence and provide his “considered view” on the matter.

The Planning Minister clearly does not consider the housing land supply position to be settled – and neither do the Council.

Given that some Inspectors are opting to follow the emerging Local Plan, the Council considers it essential that the correct and up to date figures be used. These are 1180 homes pa for

“objectively assessed need” – and a housing requirement of 1200 homes pa, rising to 1300 homes pa after 2015. In future, calculations will be made on this basis.

Following the Planning Minister’s letter and in the absence of a consistent and definitive view, the Council will continue to present a housing land supply case based on the most up to date information. On this basis it is considered a 5 year supply is capable of being demonstrated. This position is supplemented with the knowledge that the Council continues to boost its housing land supply position by supporting planned developments and utilising brownfield land wherever possible.

Sustainable Development

Paras 34 and 55 of the NPPF indicate that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist- Planners can use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue.

The toolkit sets maximum distances between the development and local amenities. These comprise of:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- amenity open space (400m)

- children's play space (400m)
- outdoor sports facility (400m)
- supermarket (950m)
- playground/ amenity area (400m)
- Bank (950m)
- Pharmacy (800m)
- Primary School (1150m)
- Secondary School (650m)
- Public Park or Village Green (1000m)
- Bus Stop (450m)
- Public Right of Way (10m)

Fails to meet minimum standard (less than 60% failure for amenities with a specified maximum distance of 300,400 or 500m and 50% failure for amenities with a maximum specified distance of 1000 or 2000m):

- Convenience Store (550m)
- Post Box (550m)
- Post Office (1225m)
- Medical Centre (1400m)
- Leisure Centre or Library (1300m)
- Community Centre (1250m)
- Public House (1500m)
- Child Care Facility (1450m)
- Railway Station (2500m)
- Any Transport Node (450m)

The proposals would not constitute a significant failure (being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) in respect of any of the criteria.

Clearly, residents would not have to travel very far for everyday services and certainly unlikely to be significantly more than residents along Manchester Road, Walfield Avenue and Giantswood Lane. Public transport accessibility to the site is good with good access to day to day services and facilities that any resident would need, the site passes more criteria than it fails and locationally must be regarded as being sustainable.

There are, in addition, three dimensions to sustainable development -: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- Economic role;
- Social role; and
- Environmental role

These roles should not be undertaken in isolation, because they are mutually dependent.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

The Design and Access Statement and the Transport Statement submitted provide an indication as to how principles of sustainable development / energy reduction would be met within the development. The Travel Plan would ensure that the development would contribute to sustainable transport options. However there is only a statement of intent to include renewable energy within the D&AS. Nevertheless, this is an outline application and a detailed scheme to achieve reduced energy consumption could be secured through the use of conditions.

While the appendix to the NPPF specifically excludes housing from the definition of economic development the proposal will assist in maintaining a flexible and responsive supply of housing land with associated long term benefits of the local economy and business. In addition the proposal will bring associated infrastructure improvements which are needed to mitigate the development.

The provision of policy compliant affordable housing is also a clear social benefit, supporting mixed and balanced communities that weigh heavily in the planning balance.

To conclude, the combination of the positive contribution towards housing land supply in a sustainable location and the benefits identified above would outweigh the harm caused by virtue of the loss of farming land/ open countryside.

Loss of Agricultural Land

Policy NR8 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the ministry of agriculture fisheries and food classification) will not be permitted unless:

- The need for the development is supported in the Local Plan;
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- Other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

The agent has advised that the site falls within category 3a which is deemed to be good quality agricultural land. Whilst land classified as Grade 3a falls within the category of best and most versatile agricultural land, the overall area classified as such is relatively small and cannot be described as “significant”.

Whilst the loss of Grade 3a agricultural land is regrettable and the concerns of residents in this respect are duly noted, the benefits of the proposal in terms of housing provision outweigh the loss of such land to agriculture. This approach is consistent with previous decisions and in the context of the significant benefits identified above, is justified based upon a planning balance to deliver housing.

Impact upon the Landscape

The site does not have any particular landscape designation, although the LVIA submitted with the application indicates that it does make a positive contribution to the Cheshire Plains and landscape character in general in this location.

For this reason, the justification for policy CS16 indicates that appropriate landscaping is required to minimise visual intrusion in to the Dane Valley.

The indicative layout reflects the requirements of the policy and the recommendations of the submitted LVIA which seeks to mitigate for the impacts upon landscape character of the proposals. This includes retention and improvement of existing hedgerows and the submission of a detailed landscaping scheme as part of the Reserved Matters application.

On that basis, the LVIA surmises that the proposals would sit comfortably with the existing settlement pattern and is a similar character to previous urban growth therefore the overall impact would be minor.

The Council's Landscape Architect has assessed the proposals and is satisfied that subject to conditions relating to details such as levels, retention and protection of trees and hedges, submission of a detailed landscape masterplan, a phasing plan for the implementation of the green infrastructure, SUDs, open spaces, informal and equipped play areas, and the footpath/cycleway network, full landscaping and boundary treatment and a management plan for all of the above secured via a Legal Agreement.

Members should note that this is an outline application with access only to be determined – landscaping is a reserved matter and therefore these conditioned can be applied if necessary, at the reserved matters stage. The applicant has agreed to the inclusion of a Landscape Management Plan within the Legal Agreement.

On that basis, the impact to landscape character would be minimised.

The concerns of neighbours in respect of the loss of the landscape character of the site are duly noted, however this site has been through a formal consultation process and was deemed to be a suitable site. The loss of the existing character of the site was accepted. Given that the worst impacts are mitigated the change in character would not in itself constitute a reason for refusal particularly owing to the overriding benefits of the proposals.

Affordable Housing

This site is located in the Hulme Walfield Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Hulme Walfield Parish is included in the Congleton Rural sub-area. The site is also adjacent to the boundary of Congleton town and Congleton sub-area (for SHMA purposes). In the SHMA the Congleton Rural sub-area shows a need for 11 new affordable homes per year between 2013/14 and 2017/18 (1 x 1 beds, 1 x 2 beds, 4 x 3 beds, 2 x 4+ beds and 2 x 2+ beds older persons accommodation). For the same time period Congleton sub-area shows a net need of 58 new affordable homes per year (27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 beds older persons accommodation). (The SHMA identified an oversupply of 49 x 2 beds and 12 x 2+ beds older persons accommodation).

In addition to the information taken from the SHMA the Strategic Housing Manager also checked the number of applicants on Cheshire Homechoice: -

There are currently 3 applicants on the housing register who require social or affordable rented housing have Hulme Walfield as their first choice, these applicants require 2 x 1 beds and 1 x 4 bed.

There are currently 564 applicants on the housing register who require social or affordable rented housing and have one of the Congleton re-housing areas as their first choice, these applicants require 333 x 1 beds, 167 x 2 beds, 56 x 3 beds and 7 x 4 beds.

The Interim Planning Statement: Affordable Housing (IPS) advises –

that for Windfall sites in settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size. It also advises that the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.

For sites in settlements with a population below 3,000 there is also a requirement for 30% affordable housing however the thresholds are 0.2 hectares or 3 dwellings or more.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate. This is the preferred tenure split identified in the SHMA and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for up to 29 affordable dwellings on this site, with up to 19 provided as social or affordable rented dwellings and 10 provided as intermediate tenure.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

All the Affordable homes should be constructed in accordance with the Homes and Communities Agency Design and Quality Standards 2007 and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The Affordable Housing information submitted is limited, however there is confirmation that 30% affordable housing will be provided with the correct tenure split of 65% rent (this needs to be Social or Affordable Rent) and 35% intermediate.

A mixture of types and sizes of affordable housing will be required to meet the identified need highlighted above. Further information would be required by providing details in an affordable housing scheme to be submitted at reserved matters stage. In summary, the affordable housing requirements detailed above and in the Council's IPS will need to be met, these include the following:

- 30% of the total dwellings to be provided as affordable housing
- 65% of the affordable dwellings to be affordable or social rented, 35% to be intermediate
- The affordable dwellings to be pepper-potted across the site
- Affordable homes to meet CFSH Level 3 and to be built in accordance with the Homes & Communities Agency Design & Quality Standards.
- The affordable dwellings to be provided no later than occupation of 50% of the open market dwellings.

It is considered necessary that the developer undertakes to provide the social or affordable rented affordable units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.

The above requirements would be secured within the Legal Agreement which the applicant has agreed to.

Highway Safety

The key issues regarding this application are accessibility, car parking, and access and traffic generation.

Accessibility

The site is within walking distance of Congleton a key service centre and easily accessible by train, bus, cycle and by car.

It is highly accessible which would encourage linked trips and alternative modes of transport.

The improvements proposed to the footpath running across the site would enhance the accessibility of the site.

Car Parking

The proposals would need to provide car parking in accordance with the parking standards within the emerging Local Plan. This would be based on bedroom numbers within each property so would be a matter for consideration at the reserved matters stage,

Access

The site is sandwiched between Giantswood Lane and Manchester Road (both adopted roads) with one point of access proposed off Manchester Road. The layout submitted indicates that the scheme would comprise one main arterial road running between Giantswood Lane and Manchester Road with a series of interconnected cul de sacs accessed off this road.

The point of access includes a three-arm priority controlled arrangement and features a right-turn ghost island on Manchester Road which would allow southbound traffic on Manchester Road to flow freely unimpeded by traffic turning into the site.

The proposed access into the site features 10m entry radii and a 6m carriageway width. The entry radii indicated are greater than would ordinarily be sought for residential developments; however, the arrangement shown is acceptable in this instance due to the curvature of the access road beyond the access, which would serve to limit vehicle speeds.

Manchester Road was previously subject to a speed limit of 60mph but has recently been reduced to a 40mph speed limit. The drawings indicate that visibility splays of up to 2.4m x 90m are in fact achievable in each direction. Therefore, the achievable visibility demonstrated from the proposed site access is acceptable.

Traffic Generation

The applicant has submitted a Transport Statement indicating that traffic generation to the site would be via the A34 corridor through Congleton Town Centre. CEC Highways modelling has indicated that without mitigation, traffic generated by developments within Congleton over the Local Plan period would increase the “scale and duration” of queuing at “key junctions that suffer congestion” at present, which comprise several junctions on the A34 corridor. Any additional traffic using the A34 corridor would result in unacceptable delay, unless the mitigation scheme identified is delivered.

In order to mitigate the identified impact, an assessment of the impacts of the proposals with the Congleton Link Road (CLR) scheme was undertaken, which demonstrates significant benefits in respect of delay across the network. In light of the funding and delivery uncertainties relating to the scheme an alternative scheme comprising a series of junction improvements along the existing A34 corridor was assessed.

The A34 mitigation scheme includes improvements at the following junctions:

- A34 Rood Hill/A54 Rood Hill/A34 Clayton Bypass
- A34 Clayton By-pass / Barn Road/A34 Clayton Bypass
- A34 West Road/West Street/A34 Clayton Bypass
- A34 West Road/A54 Holmes Chapel Road/A34 Newcastle Road /A534 Sandbach Road

While the above scheme demonstrates lesser benefits than the CLR scheme, the improvements would nonetheless provide an acceptable level of mitigation in the absence of any alternative.

The cost of the A34 improvements has been calculated in the order of magnitude of £8,000,000. In light of the likely impact on the corridor of any development generating traffic through Congleton town centre, the SHTM has sought to secure a fair and proportionate contribution towards this sum. In light of the impact that this development is likely to have on the network in Congleton town centre, a financial contribution of £300,000 has been agreed in principle with the applicant to deliver off-site highway works on the A34 corridor, or other measures that will provide similar congestion relief benefits, such as the proposed Congleton Link Road.

Amenity

The main concerns of neighbours and consultees relate to:

- Impacts during construction period
- Overlooking
- Overshadowing
- Air Quality
- Noise for future occupants
- Contamination

Impacts during construction period

A development of this scale could well result in dust emissions, noise and disturbance and an impact upon air quality during the course of the construction period. To mitigate for the impacts, Environmental Health has recommended conditions relating to pile driving operations, hours of construction, dust control and the submission of an environmental management plan. These conditions are deemed necessary to mitigate the environmental impacts of the development.

Overlooking

The concerns of neighbours are duly noted however the layout submitted is indicative only and the final layout would be determined at the reserved matters stage where the impact upon neighbours would be duly considered.

Environmental Health has suggested that consideration should be made to screening of commercial properties in order to remove the line of sight of future occupiers of the development – this can be negotiated at the reserved matters stage.

Overshadowing

The concerns of neighbours are duly noted however the layout submitted is indicative only and the final layout, ground levels, and heights of buildings would be determined at the reserved matters stage where the impact upon neighbours would be duly considered. It has

been requested that the heights of buildings be restricted via condition however this would be unnecessarily restrictive without knowing finished floor levels or relationships to other properties.

Air Quality

The scale of the development is such that there is potential to increase traffic and also alter traffic congestion in the area. In particular, the development lies in the vicinity of the Lower Heath and Rood Hill Air Quality Management Areas (AQMA's). There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure. In acknowledgement of this, an Air Quality Impact Assessment has been submitted with the application.

The report predicts that there will be a negligible increase in NO₂ concentrations within the AQMA areas; any increase in concentrations is significant. Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought from the developer in the form of direct measures to reduce the traffic associated with the development and safeguarding future air quality.

The Travel Plan submitted with the scheme makes reference to the accessibility of public transport, walking and cycling routes. The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

Conditions in respect of Travel Planning and electric vehicle infrastructure are therefore considered appropriate.

Noise

The application is accompanied by a Noise Assessment as the proposals constitute a sensitive end use and lies close to Manchester Road which is a source of noise. The report indicates that the proposals would meet relevant standards through the use of appropriate mitigation.

Whilst the British Standards have been updated since the report was written, Environmental Health has indicated that there are no significant adverse or other adverse impacts arising from the existing noise climate that would justify the refusal of the outline application for

residential development at this location. In principle, it is considered that the site is suitable for the promotion of residential development.

However, detailed acoustic mitigation measures in compliance with BS8223:2014 is required to be submitted, to provide a commensurate level of protection for future occupants of the proposed development. This would be conditioned accordingly.

Contamination

As the site has been used as agricultural land, the Phase I investigation has indicated some level of contamination. The contaminated land officer has therefore requested a condition requiring further investigation works – this would be conditioned accordingly.

Trees and Hedgerows

The applicant has submitted a Tree Report and Protected Species Survey in respect of the proposals.

A Tree Preservation Order (TPO) provides protection to trees adjacent to Manchester Road which includes a large prominent mature Beech an Oak and several early mature Oak, Sycamore, Scots Pine, Hornbeam and Field Maple.

The point of access proposed, is in the area covered by the TPO. The Council's Forestry Officer indicated that the Tree Report submitted contained insufficient detail in respect of the impact of the access on these protected trees. An amended Tree Report has been submitted which indicates that save for removal of a 20m section of hedgerow, the proposals would not require the removal of any protected trees.

The formal comments from the Council's Forestry Officer were not received at the time of writing the report however it is anticipated that these comments and recommended conditions will be received before the meeting of Strategic Planning Board.

The Forestry Officer has also requested that the hedgerows be assessed under the Hedgerow Regulations however this has been undertaken as part of the Ecological Report- the hedges are not classed as important, and both mitigation and compensation are proposed which would be conditioned accordingly.

The indicative proposals identify a proposed woodland buffer and wildlife corridor along the western boundary of the site (shown cross hatched on the VWB plan). The Council's Forestry Officer has indicated that this should be a minimum of 20 metre width along its length to be effective and provide a reasonable structure – this would need to be demonstrated within the proposed layout at the reserved matters stage.

Design

Layout, Appearance and Scale are to be determined at the Reserved Matters stage. It is considered appropriate to condition the submission of a Design Code to ensure that the proposals achieve a high quality of design and reinforce local distinctiveness.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

In the NPPF the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, "[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Ecological surveys were carried out by a qualified ecologist on behalf of the applicant which indicates that there was no evidence of protected species on the site.

It however recommends mitigation in respect of trees, hedgerows, breeding birds, Bats and Badgers.

The Council's ecologist has no objections to the application subject to conditions to secure the following:

- Safeguarding breeding birds
- Securing of proposed green space in accordance with the outline parameters plan.
- Submission of proposals for the provision of features for roosting bats and breeding birds.
- Submission of detailed design for wildlife corridor/buffer planting.

Conditions in respect of breeding birds and features for bats and birds would be conditioned, as would the requirement to provide design details for the wildlife corridor/buffer planting. There would be no requirement to condition that the green space is provided in accordance with the outline parameters plan as this would be secured at the reserved matters stage as layout is one of those matters which has been reserved.

Open Space

Because there is a deficiency in the quantity of Public Open Space for both Amenity Green space and Children's Play Provision and this is a major residential development, there will be an onsite requirement for public open space and recreational open space. For 96 dwellings with an average occupancy of 2.4 persons per dwelling the requirement of Amenity Green space would be for 2304 sq. m.

There would be a requirement for new on site provision for Children and Young Persons play provision particularly as approved developments 13/0918C Manchester Road 13/ 0922C Biggs Way will put an increased burden on the nearby Facilities at Lower Heath Play Area.

Adequate space for this in an accessible location is shown within the indicative site layout.

However, a legal agreement would be required to ensure that the play area would be of a LEAP size and would include at least 5 items of equipment, using play companies approved by the Council.

In addition guidance also indicates that arrangements would also need to be put in place for the long term management and maintenance of these areas for a 15 year period. This would be secured via a legal agreement. The above requirements have been provisionally agreed by the applicant.

Other Matters

Flood Risk

The applicant has submitted a Flood Risk Assessment – whilst the site does not lie within an area of flood risk, the proposals relate to a major residential development.

The Environment Agency has no objections to the application subject to conditions relating to flood risk/ drainage which would be imposed accordingly.

Education

The Council's pre-application advice letter included contributions towards provision of primary and secondary school places as a worst case scenario. However, during the application process, the Council's education team has indicated that contributions would not be required as there are sufficient primary and secondary school places to satisfy demand generated by this development.

Heads of Terms

Because this is a large-scale residential development, there is a policy requirement for on-site amenity space and children's play space and for 30% affordable housing.

Due to the significant highways impacts, a contribution for off-site highways works to mitigate this impact is required.

Due to the landscape impacts associated with this development, a landscape management plan to mitigate this impact is required.

The Government has empowered Local Authorities to charge a Community Infrastructure Levy (CIL) on new development, which is intended to largely replace the present system of negotiating planning obligations.

The CIL is a single charge that will be levied on new development to cover, in whole or in part, the costs of providing supporting infrastructure.

The system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for until the adoption of the CIL charging schedule.

As Cheshire East has not adopted a CIL charging schedule, the tests in para 204 of the NPPF continue to apply. Any planning obligation in order to mitigate for the impacts of the development need to satisfy the following tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

Local Plan policy GR 22 Open Space Provision and Cheshire East's Congleton Town Strategy indicate that improvements to open space provision are necessary in Congleton. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the development, it is considered that on site provision and a financial contribution towards maintenance works would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the environment.

Local Plan policy GR9, GR10, GR18, GR19 and Cheshire East's Congleton Town Strategy indicate that improvements to the capacity of the highways infrastructure is necessary in Congleton. Mitigation for the adverse impacts in respect of traffic generation identified, would require a contribution towards off site highways works. The NPPF indicates that permission

should not be granted unless the significant adverse impacts on highway safety can be mitigated – the contribution is necessary to achieve this.

Local Plan policy H13 Affordable Housing and Low Cost Housing and Cheshire East's Interim Planning Policy: Affordable Housing indicates that there is a requirement for affordable housing within Congleton. Therefore, there is a requirement to secure on site provision in the interests of promoting sustainable communities.

Local Plan Policy GR5 and SE4 indicate that preservation and enhancement of landscape character is necessary in the public interest. Mitigation for the adverse impacts identified to the landscape, would require a landscape management plan to be secured.

The heads of terms within the legal agreement would meet the tests set out in para 204 of the NPPF and would need to be secured via a s106 legal agreement.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site lies within the within open countryside and is therefore contrary to current local plan policy. However, the site is identified within the emerging Cheshire East Local Plan Strategy for housing development which given its submission status and previous levels of consultation does represent a material consideration and carries weight which outweighs the loss open countryside.

The Framework indicates that proposals should only be refused where the level of harm would significantly and demonstrably outweigh the benefits of the proposals. In this instance as well as the provision of housing in accordance with the emerging policy there are also a number of other factors that are weighed in the planning balance to support the development.

The scheme will provide full policy compliant affordable housing, improvements to the footpath network with some benefits to trees and ecology in the long term, additional infrastructure provision to satisfy highway requirements and appropriate provision of open space. While the development is not needed for the housing land supply any additional housing will clearly add to the supply figures.

Given the outline nature of the application conditions can be imposed to satisfy environmental health matters, flood risk, design, amenity, trees and landscape. The application fully satisfies the criteria within emerging Policy CS16 and is therefore recommended for approval.

Application for Outline Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A06NC - Protection for breeding birds
2. A02NC - Implementation of ecological report
3. A02HA - Construction of access
4. A03HA - Vehicular visibility at access (dimensions)

5. A07HA - No gates - new access
6. A15HA - Construction of highways - submission of details
7. A30HA - Protection of highway from mud and debris
8. A32HA - Submission of construction method statement
9. construction hours
10. construction hours
11. construction hours
12. construction hours
13. Standard 1
14. Standard 2
15. Standard 3
16. Standard 3
17. Standard 3
18. Standard 3
19. Submission of Noise Mitigation Measures
20. Pile Driving Operations
21. Dust Control
22. Environmental Management Plan
23. Submission of proposals for the provision of features for roosting bats and breeding birds.
24. Submission of detailed design for wildlife corridor/buffer planting.

(c) Crown copyright and database rights 2014. Ordnance Survey
100049045, 100049046.

