

Application No: 15/0446C

Location: LAND SOUTH OF MIDDLEWICH ROAD AND EAST OF, ABBEY ROAD, SANDBACH

Proposal: Erection of 154 two storey detached, semi detached and mews dwellings landscaping, formation of community park, open space, parking and associated works.

Applicant: Neil Arkwright, Redrow Homes Ltd & Anwyl Homes

Expiry Date: 01-May-2015

Summary

The outline application includes condition 4 which states as follows:

The development hereby permitted shall follow the general parameters of the illustrative Development Framework (Drwg No 4333-P-02 Rev D), the Masterplan (Drwg No 4333-P-03 Rev E), and the Design and Access Statement.

Reason: In order to comply with the parameters set out in the outline application and in accordance with the NPPF and Policies GR1, GR2 and GR3 of the Congleton Borough Local Plan First Review.

This condition has been imposed for a proper planning purpose, and in relation to the buffer between the proposed development and properties on Park Lane, the Reserved Matters submission does not achieve this proper planning purpose, and hence is unacceptable in planning terms. The applicant did not appeal the condition and has not applied to vary or remove the condition. The outline permission demonstrates that a development can be achieved without the adverse impacts that the proposed housing layout of this reserved matters application will have.

As such the application is recommended for refusal on the basis that the general parameters of the outline planning permission are not followed in at least one respect, contrary to condition 4 attached to the outline application.

RECOMMENDATION

Refuse

PROPOSAL:

This is a reserved matters application for 154 dwellings. The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via a single priority junction off Middlewich Road with the provision of a right-turn lane on Middlewich Road. The access was approved as part of the outline application.

The development would consist of 1 to 5 bedroom units including some apartments. All units would be 2 stories in height. The development would consist of the following mix:

- 8 x one bed units
- 20 x two bed units
- 18 x three bed units
- 99 x four bed units
- 9 x five bed units

SITE DESCRIPTION:

This reserved matters application relates to phases 1 and 2 following the approval of application 12/1463C, phase 3 would form part of a later application. Outline application 12/1463C relates to 15.6ha of land, situated on the southern side of Middlewich Road, west of Park Lane and east of Abbey Road. The site includes two residential properties 170 and 172 Middlewich Road which are located within the Sandbach Settlement Boundary. The rest of the site lies within the Open Countryside and is bordered by residential properties to its north, western and eastern boundaries, with open fields to the south.

The site is relatively flat although the land level drops slightly to the south of the site. The site is currently used for the growing of crops with a number of hedgerows running along the existing field boundaries. There are a number of trees within the residential curtilages of the properties surrounding the site with a number of mature trees within the grass verges along Abbey Road and Park Lane.

RELEVANT HISTORY:

12/1463C - Demolition of 170 and 172 Middlewich Road, Sandbach, Formation of New Access to Serve Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works – Approved 7th October 2014

14/0191C - Removal of Condition 14 (25% of Housing with no more than 2 bedrooms) on approval 10/3471C - Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works – Withdrawn

11/0440C - Demolition of 170 and 172 Middlewich Road, Sandbach and Formation of New Access to Serve Residential Development – Approved subject to the completion of a Unilateral Undertaking 18th October 2012

10/3471C - Proposed Residential Development of up to 280 Dwellings, Landscaping, Open Space, Highways and Associated Works - Refused 18th November 2010 – Appeal lodged – Appeal dismissed – High Court challenge – Decision quashed, Appeal to the Court of Appeal – Appeal Dismissed. Appeal Allowed by Secretary of State

22739/1 – 18 hole golf course, club house, open space, residential development and associated supporting infrastructure – Refused 2nd January 1991

17611/1 – Residential Development – Refused 10th June 1986

POLICIES

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005, which allocates part of the site within the settlement boundary and part of the site within the open countryside.

The relevant Saved Policies are: -

PS8 Open Countryside

GR21 Flood Prevention

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR16 Footpaths Bridleway and Cycleway Networks

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 affordable Housing and low cost housing

E10 Re-use and redevelopment of existing employment sites

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

As the examination of this plan has now been suspended, its policies carry limited weight. The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

Other Considerations:

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

CONSULTATIONS:

CEC Flood Risk Manager: Conditions suggested.

Environment Agency: Refer to standing advice.

United Utilities: As previously stated in United Utilities response to planning application 10/3471C a number of public sewers cross this site and UU will not permit building over it. UU will require access strips either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Cheshire East PROW: The development does not appear to affect a public right of way.

Natural England: Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Sandbach Flashes SSSI has been notified. Natural England advise that the SSSI does not represent a constraint in determining this application.

For advice on Protected Species refer to the Natural England standing advice.

Cheshire East Countryside Access: The application documents make reference to a number of access points and crossings for pedestrians and cyclists in order to maximise the permeability of the site. Such routes should be designed and constructed to best practice in terms of shared use infrastructure and accessibility.

The S106 agreement, in recognition of the Wheelock Rail Trail as an attractive active travel and leisure route for residents of the proposed development and nearby properties, includes a contribution towards improving accessibility on the Trail.

The legal status, maintenance and specification of proposed pedestrian and cyclists routes within the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Rights of Way with the provision of a commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space of the site.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Cheshire Brine Compensation Board: The Board is of the opinion that the site is in an area which has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted.

Therefore, in accordance with their duties under Section 38(2) of the Cheshire Brine Pumping (Compensation for Subsidence) Act 1952, the Board requires the incorporation of structural precautions to minimise the effects of any settlement which could occur in the future.

In particular, the Board recommends the use of raft foundations or ring beams in the subsidence hollows and heavily reinforced strip foundations outside the subsidence hollows areas. The subsidence hollows are as identified in a technical report submitted with the application.

Strategic Highways Manager: No formal consultation response received at the time of writing this report.

ANSA Open Space: No comments received at the time of writing this report.

CEC Archaeology: Condition suggested.

VIEWS OF THE PARISH/TOWN COUNCIL:

Sandbach Town Council: No objection. Although Members regret the development of Abbey Fields and its detrimental impact on the urban landscape, it is accepted that the development will proceed. 30% affordable housing and stipulation that this housing will be indistinguishable from other housing is welcomed however, Members question who will maintain the community park and

seek detail of arrangements in place. Members further request the traffic implications are carefully monitored.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

A letter of objection has been received from 39 households raising the following points:

Principal of development

- Lack of employment is Sandbach
- Sandbach is a commuter town
- The development will not benefit Sandbach
- No further housing development is needed
- The layout of the development does not comply with the approved illustrative layout
- The layout is different to the outline application
- The development does not comply with condition 4 attached to the outline consent
- Green spaces around Sandbach should be retained
- Brownfield sites should be developed first
- Loss of the historic character of Sandbach
- Lack of consultation regarding the reserved matters application
- The affordable dwellings are located in the same location

Highways

- Increased highways congestion
- The submitted traffic data is out of date
- Increased vehicular movements in proximity to the Park Lane junction
- Highway safety
- Lack of public transport which has suffered cuts
- Problems with the cycleway improvements on Hind Heath Road
- Inadequate provision for cyclists as part of this development
- The proposed highway improvements are not clear
- No need for parking spaces to serve the community park if the development represents sustainable development
- Congestion has increased in Sandbach since the original approval
- Various road works within Sandbach are causing congestion issues
- Too many vehicles will use a single access point
- There should be no vehicular access onto Abbey Road

Infrastructure

- Local infrastructure cannot cope
- Local schools are full
- Local doctors do not have capacity

Amenity Issues

- The development is closer to the adjoining residential properties than as shown on the indicative outline plan
- Loss of light
- Loss of outlook

- Loss of privacy
- Light pollution
- Lack of a buffer between the existing and proposed dwellings
- The proposed dwellings are too close to the boundaries
- Increased noise and disturbance
- Vehicles within the site will cause noise and light pollution at unsociable hours
- The proximity of the affordable dwelling units to the boundaries
- The development would be contrary to Local Plan Policy GR1
- The development should be moved further west into the proposed community park to protect residential amenity
- The token planting of fruit trees to the boundaries is not considered to be acceptable
- The separation distances are too short to the existing dwellings which surround the site

Design issues

- The development adjacent to Park Lane does not respect the character of the dwellings which front Park Lane which are set within large plots and mature gardens
- The development would appear incongruous having regard to the character of the surrounding development
- The street-scene of the development would appear unattractive
- The development would be contrary to Policy GR2 of the local plan
- Off the peg house types do not respect to context of the site
- The dwellings are squeezed onto the site so that the developer can maximise their return

Other issues

- There is a right of access onto the site between 200 and 202 Middlewich Road. This should not be obstructed by the developer
- Brine subsidence issues on this site
- Impact upon the archaeological deposits on this site which includes a Roman Road

A representation has been received from Fiona Bruce MP raising the following points:

- The previous plans showed a buffer between the new dwellings and the nearby existing properties. This reserved matters application will diminish this to such an extent that the properties will be far more closely abutting the existing residents homes than was shown on the plans for the site.
- When the previous application was considered the view was that the 'houses would be sparsely populated with gardens backing onto gardens and this is no longer the case.

APPRAISAL

The principle of residential development has already been accepted following the approval of the outline applications 10/3471C and 12/1463C.

This application relates to the approval of the appearance, landscaping, layout and scale of the development (the reserved matters as part of application 12/1463C.

Affordable Housing

The s106 agreement attached to the outline application details that an Affordable Housing Scheme should be submitted which includes an affordable housing provision of 30% which will comprise 65% affordable/social rent and 35% as intermediate tenure.

The agreement requires the Affordable Housing Scheme to be submitted for each phase of development. The applicant has submitted an accommodation schedule for the affordable housing on the submitted plans. The residential mix comprises 8 x 1 bed apartments, 20 x 2 bed houses and 18 x 3 bed houses. This is acceptable to meet the identified housing need. The location of the affordable housing in this phase is sufficiently pepper-potted.

The applicant has submitted an Affordable Housing Scheme which provides further detail in respect of the Affordable Housing. This has been considered by the strategic housing manager has raised no objection to this development.

Highways Implications

The wider traffic congestion issues in Sandbach and the point of access were considered as part of the outline application.

To mitigate the congestion traffic impact of this development a contribution of £60,000 has been secured towards the upgrade of Junction 17 of the M6. A travel plan also forms part of the conditions attached to the outline consent.

In terms of the proposed layout/internal highways design and parking provision an amended plan has been submitted following negotiations with the Strategic Highways Manager. An update will be provided in relation to this issue when a formal consultation response has been received.

Amenity

A number of the objection letters refer to the proximity to the proposed dwellings and the lack of a buffer between the site and the adjoining residential properties.

In this case the Congleton Borough SPG requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

In this case the separation distances proposed to the adjacent dwellings all exceed those set out within the SPG. The separation distances between principal elevations range between 28.2 metres and 39 metres (with most being above 30 metres). The separation distance between non-principal and principal elevations range between 15.4 metres and 28.9 metres. Despite this the outline planning permission includes condition 4 and in order to comply with the outline approval the reserved matters application will need to comply with this condition. This issue is discussed below.

As some of the non-principal elevations include windows in close proximity to the shared boundary it will be necessary to attach an obscure glazing condition and to remove permitted development rights for new windows on the following plots; R1, R6, R10, R14, R20, R21, R33, R38, A68 and A77.

Condition 4 attached to the Outline Planning Permission

A number of the objections have queried whether this development complies with condition 4 attached to the outline planning permission. This condition states that:

The development hereby permitted shall follow the general parameters of the illustrative Development Framework (Drwg No 4333-P-02 Rev D), the Masterplan (Drwg No 4333-P-03 Rev E), and the Design and Access Statement.

Reason: In order to comply with the parameters set out in the outline application and in accordance with the NPPF and Policies GR1, GR2 and GR3 of the Congleton Borough Local Plan First Review.

It is considered that the proposal does not comply with the condition in relation to the issue of buffer planting at the interface with the gardens of Park Lane.

Page 25 of the Design and Access Statement ("DAS") contains a colour plan showing that a buffer is "required" between the proposed development and the existing properties at Abbey Road, and separately, those at Park Lane. Page 52 of the DAS then contains two cross sections. The "B-B" cross section deals with Abbey Road. The "C-C" cross section talks of "buffer planting", and shows it in the same place as the buffer at page 25. So clearly the word "buffer" was intended to indicate planting rather than merely a gap.

The plans attached to this Reserved Matters application do not contain any proposed buffer planting in the most northern part of the north-eastern corner between proposed property R14 and the existing gardens at Park Lane. Furthermore, the planting which is generally shown along the eastern boundary of the development site is not nearly as broad as that shown at figure 15 on p46 of the DAS. Whilst a degree of judgement and interpretation is to be applied, in this case it is considered to be quite clear that there is a material deviation between the parameters set out in condition 4 of the outline permission and this reserved matters application.

The condition was imposed for sound planning reasons and to ensure a reasonable and effective buffer with the existing Park Lane properties. Non-compliance with this condition is therefore a significant failing of this proposal and would result in a harmful impact on residential amenity which could otherwise be effectively mitigated.

Light pollution

The concerns raised regarding light pollution have been noted and a condition could be attached to ensure that external lighting details are submitted to the Council for approval.

Noise

In terms of the impact upon the adjacent dwellings it is not considered that the proposed development would result in levels of noise from future occupiers which would harm residential amenity.

Disturbance during the construction phase of the development

In this case there are the following conditions attached to the outline approval:

- Hours of construction
- Construction Method Statement

It is considered that these conditions attached to the outline consent would be adequate to protect residential amenity during the construction phase.

Trees and Hedgerows

The application includes an arboricultural impact assessment (AIS) which incorporates a tree survey, an assessment of arboricultural impacts of the layout on plan, a tree constraints plan and details of proposed tree protection measures together with an arboricultural method statement.

The survey area covers the current application site and land to the west and covers 45 individual trees 16 groups of trees and 17 hedgerows.

The report indicates that one tree would be removed. This tree has already been dismantled (removal associated with the approved access off Middlewich Road). The S106 Agreement for the outline application includes a contribution of £2,400 to provide replacement tree planting within the grass verge along Middlewich Road.

In this case there are concerns in relation to the following:

- Plot R10 – Proximity of the dwelling to offsite Tree 26 (Grade A Beech)
- Plot R14 - Hard surfacing in RPA of Tree 24 (Grade C Silver Birch)
- Plot R26/33 - Fencing access and proposed 3 metre reduction of offsite Tree 20 (Grade B Sycamore)
- Plot R46 - Dwelling and hard surfacing in RPA of TPO protected Tree 13 (Grade C Oak)
- Plot R46 (south of) - Hard surfacing in RPA of Tree 14 a TPO protected (Grade A Oak tree)
- West of plot R75 - sub- station too close to (Grade A Oak Tree 25) and adjacent road
- POS south - Footpath in Root Protection Areas of trees T10 (Grade B Oak), T11 (Grade C Ash) and T12 (Grade C Ash)

These issues have been raised with the developer and an updated plan is awaited to address these concerns

In terms of hedgerows the development would result in 48 linear metres of existing hedge being removed mainly to accommodate internal access roads. However the majority of the hedgerows would be retained as part of the proposed development.

Landscape

A landscaping scheme has been submitted with this application and this is largely acceptable providing the following amendments are secured:

- The 3 Beech trees on plot 39 should be replaced with a smaller growing species
- The proposed Holly and Magnolia located next to the site boundary should be replaced with a small deciduous tree species in order to form a continuous tree screen
- The ornamental tree species within the public open space should be replaced with native species

- The landscape plans should be amended to include gapping up of the hedgerows on site with native species and where necessary to include coppicing or laying
- The footpaths within the POS should be changed from bound gravel to resin bound gravel which is more durable and requires less maintenance
- Clarification is required in terms of the proposed boundary treatments as the colours used on the submitted plan are difficult to identify

These issues have been raised with the applicant and an update will be provided in relation to this issue.

Design

The application is a Reserved Matters application with details of scale, layout, appearance and landscaping to be determined at this stage.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 16.4 dwellings per hectare is appropriate due to the urban fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Sandbach.

The layout plan includes centrally located open space and Country Park and includes additional planting. The Country Park forms a linear area of open space which would form an ecological corridor to the curtilage and pond at 180 Middlewich Road. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Avenue tree planting is proposed to reinforce the streets within the site and this is consistent with the tree lined avenues at Park Lane and Abbey Road. This is positive in terms of place making and the existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Sandbach.

Abbeyfields is a Grade II Listed Building. Given the separation distance to this property and the location of the proposed Country Park it is not considered that the development would have a detrimental impact upon the setting of this Listed Building.

Ecology

Landscaping of open space areas

A significant bat roost is present at retained tree 23 located on the southern boundary of the application site. To ensure there is adequate foraging and commuting habitat to support this roost it must be ensured that there is a strong belt of mature tree cover along the southern boundary of the site and up the eastern boundary of the open space area. This is partly achieved by the submitted landscape plan however, additional native tree planting is required in these areas to ensure that there is continues unbroken chain of tree cover.

To ensure the proposed landscaping is in keeping with the intended country park setting and to maximise the nature conservation value of the proposals ornamental species and varieties should be excluded from the country park area and replacement with native species.

The submitted landscaping plan should be amended to reflect these required changes.

Amphibian tunnel

An amphibian tunnel is required under the access road crossing the country park to ensure that amphibians associated with the large garden pond on Middlewich Road have access to the new habitats created within the proposed country park. This is now shown on the submitted plans and is considered to be acceptable by the Councils Ecologist.

Ponds

The provision of an additional wildlife pond is supported and would considerable enhance the ecological value of the open space associated with the proposed development.

In order to provide suitable places of shelter for amphibians associated with the new proposed ponds the Councils Ecologist has advised that two amphibian hibernacula be provided in close proximity to the new ponds.

To minimise the risks of invasive species being introduced into the proposed wildlife pond the Councils Ecologist advises that they should be fenced to minimise public access.

The submitted landscaping plans should be amended to show the location of these features.

Lighting

Inappropriate lighting of the country park area has the potential to have an adverse impact upon its nature conservation value.

If planning consent is granted a condition could be attached requiring the submission and agreement of details of any lighting proposed for the open space areas.

Public Open Space

The open space requirement for this site would be provided within the proposed community park which would benefit residents for the whole of Sandbach.

The plan indicates the inclusion of a play area within the Community Park area. This should include at least 8 items incorporating DDA inclusive equipment, using play companies from the Councils select list. A second play area would be provided within the third and final phase of the development which will be subject to a further reserved matters application.

At the time of writing this report no comments had been received from ANSA (Public Open Space) an update will be provided in relation to this issue.

Education

This issue was dealt with as part of the outline application where a contribution of £513,771.11 was secured as part of the S106 Agreement.

PROW

The development would not directly impact upon PROW and a contribution of £10,000 has been secured as part of the outline application towards improved access of the Wheelock Rail Trail.

Archaeology

The outline applications for the development of this site resulted in a recommendation for a programme of archaeological assessment and evaluation in order to define the nature and extent of any archaeological deposits present and the need, if any, for further archaeological mitigation.

An archaeological desk-based assessment was produced by Oxford Archaeology North in 2012 and this report has been submitted in support of the present application. In 2014 a programme of archaeological trial trenching was carried out by Earthworks Archaeological Services, which demonstrated that the Roman road that once crossed the site from north-west to south east had been obliterated by centuries of ploughing and that across much of the rest of the site archaeological deposits were absent.

The one exception to this pattern was in the south-eastern corner of the application, where an area measuring circa 40m by 40m was seen to contain archaeological remains. The remains (undated at present) consisted of pits, ditches, and surfaces alongside the line of the Roman road. Some of these deposits are waterlogged and may be connected with salt production.

The site master plan suggests that much of this area will remain undisturbed by the development but the northern part is affected by a new road and landscaping. It seems likely, therefore, that part of the archaeologically sensitive area will require excavation and recording before development and this may also be necessary across the rest of the zone if this is to be disturbed by landscaping. A report on all of the excavation works that prove necessary will be required and the mitigation will be secured through the imposition of a planning condition.

Flood Risk and Drainage

As identified in the submitted Flood Risk Assessment (FRA), there are areas of ground subsidence within the site boundary. These are picked up on the Environment Agency (EA)

surface water flood maps as areas with a risk of flooding. Appropriate measures will need to be incorporated into the development proposals to mitigate this risk, without exacerbating the risk of flooding elsewhere.

The Councils Flood Risk Manager has considered this application and has raised no objection subject to the imposition of the following planning conditions:

- The surface water run-off generated by the proposed development shall not exceed the run-off from the undeveloped site and shall not increase the risk of flooding off-site.
- No development shall commence on any phase until a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase has been submitted to and approved in writing by the Local Planning Authority.

It should also be noted that a condition to secure a scheme for surface water drainage was attached to the outline permission and there is no requirement to repeat this condition on the reserved matters application.

Brine Board

The comments of the Brine Board have been noted and the case of structural stability of the development will be dealt with at the Building Control stage.

PLANNING BALANCE

Condition 4 has been imposed for a proper planning purpose, and in relation to the buffer between the proposed development and properties on Park Lane, the Reserved Matters submission does not achieve this proper planning purpose, and hence is unacceptable in planning terms. The applicant did not appeal the condition and has not applied to vary or remove the condition. The outline permission demonstrates that a development can be achieved without the adverse impacts that the housing layout of this reserved matters application will have.

As such the application is recommended for refusal on the basis that the general parameters of the DAS are not followed in at least one respect, contrary to condition 4 attached to the outline application.

RECOMMENDATION:

REFUSE

1. **This reserved matters application does not comply with Condition 4 attached to the outline planning permission in terms of the proposed buffer provision to the residential dwellings which front Park Lane. As such this reserved matters application fails to achieve a satisfactory layout of development with the resultant adverse impact on residential amenity of the occupiers of properties on Park Lane. The proposal is contrary to Policy Policies GR1, GR2 and GR6 of the Congleton Borough Local Plan First Review and guidance contained within the NPPF.**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning Regulation,

in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

