

Application No: 15/0505C

Location: LAND OFF THE MOORINGS, CONGLETON, CHESHIRE

Proposal: Reserved Matters following outline approval (12/3028C) for 38 dwellings, open space, associated landscaping, infrastructure, access and demolition of a portal shed at land off The Moorings, Congleton, Cheshire

Applicant: Mrs Amanda Oakden, Seddon Homes Ltd

Expiry Date: 05-May-2015

SUMMARY

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable and in line with the parameters established within the outline approval.

Environmental Sustainability

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission would be secured. Drainage/flood risk issues are also acceptable and the subject of extensive conditions imposed upon the outline permission, which sits alongside these reserved matters.

The proposed access point is as approved and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

Economic Sustainability

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain.

RECOMMENDATION

Delegated Approval subject to conditions pending the outcome of re-consultation of neighbours

REASON for REFERRAL

This application is referred to the Southern Planning Committee as it is a small-scale major development. This is the sister application to the Goldfinch/Kestral Drive reserved matters application reported elsewhere on this agenda (15/0001C)

PROPOSAL

Reserved matters approval is sought for the external appearance, layout, landscaping and scale for 38 dwellings at land to the west of the Moorings and adjacent to Highfield House, Congleton. The layout has been revised to address neighbour concerns about the relationship with existing houses on the Moorings. Further neighbour consultation has been undertaken.

Access is provided via the Mooring as previously approved at the outline stage.

The development would consist of 1 to 4 bedroom units including some apartments. The development is proposed to be 2 storeys in height and comprises a mix of :

9 x four bed units
12 x three bed units
5 x two bed units (all for market sale);

And

4 x three bed units (for intermediate tenure)
8 x one bed units (for social rent)

This comprises the full 30% affordable housing requirement as detailed in the Unilateral Undertaking linked to the Outline approval for up to 40 units granted on appeal at this site (12/3028C refers).

SITE DESCRIPTION

The application site is some 1.74 hectares of land to the west of The Moorings, Congleton and to the west of Highfield Road, Congleton.

The site is surrounded by open countryside to the south and west and by residential properties to the east, with the Moorings forming a cul de sac adjacent to the eastern boundary of the site and existing dwellings with Quayside forming the boundary to the south east of the site. Both roads lead to Canal Road further to the east. Dense mature woodland abuts the northern boundary of the site. The site was last in agricultural land use for grazing. There are distinct levels difference within the site with the land sloping upwards away from the Moorings has a undulating character and a central depression. Land levels further fall away from the site towards the cemetery . The site has a network of existing hedgerows and trees to the perimeter which provide an attractive setting and the site is strongly influenced by these characteristics. The Goldfinch/Kestrel development site is circa 100m to the south of this site, interspersed by open countryside.

RELEVANT HISTORY

12/3028C - Erection of up to 40 dwellings, open space, associated landscaping, infrastructure and access – granted on appeal 4 February 2014

13/3517C - Outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure – refused 16 May 2014 (subject to appeal with Public Inquiry - decision awaited)

14/4938C - Outline application for erection of up to 220 dwellings, access, open space and associated landscaping and infrastructure- resubmission of 13/3517C – Refused 31-Jul-2015

NATIONAL & LOCAL POLICY

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, 47-50 - Wide choice of quality homes, 56-68 - Requiring good design and 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 Amenity and Health

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

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 Material 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

CONSULTATIONS

Western Power (Infrastructure) - No reply

Environment Agency

No objection subject to the conditions as detailed in the outline permission.

Head of Strategic Infrastructure (Highways)

No objection - internal road layout is acceptable and the amount of parking provision complies with the Council's standard.

Environmental Protection

No objection subject to the conditions as detailed in the outline permission.

Strategic Housing Manager

No objection to the design, tenure and mix of the affordable units

REPRESENTATIONS

Congleton Town Council: Refuse

Objections have been received from 12 different local addresses on the basis of the following:

- Increased traffic
- Unsuitable access and road infrastructure with excessive parking at access
- The affordable housing is all apartments and should be houses
- The affordable housing does not have sufficient parking – leading to parking congestion on the Moorings
- Unneighbourly / loss of privacy / overlooking
- Impact on local wildlife
- High density housing increases potential to cause noise disturbance

Ward Member Cllr Brown considers the pepper-potting should be throughout the site and the design is not in keeping.

APPRAISAL

The key issues are:

- Principle of the development
- Housing land supply
- Sustainability
- The acceptability of the design
- Impact on residential amenity

- The impact upon highway safety

Principle of Development

Given that the principle of development has been established by the granting of outline planning permission (with access for up to 40 units via the Moorings determined), this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

The key issues for Members to consider in determining this application therefore, are the acceptability of the matters reserved, ie the design and appearance of the scheme, the internal highway configuration, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

Design Standards

Revisions have been received during the course of this application, the entrance to the site from the Moorings which are considered to be a considerable improvement to the layout and now sits more comfortably with the existing building line on the Moorings. The layout comprises the continuation of the Moorings with a mix of detached, semi-detached, terraced units and 2 apartment blocks arranged in two cul de sacs with 3 areas of incidental open space, one being located to the western boundary of this site and formed of a re-enforced earth embankment/retaining bund and the formal POS being located in the heart of the site in front of Highfield House whereas the other linear area of open space comprises the northern side of the site where a overhead electricity line runs through the site down towards Lamberts Lane.

The land levels within the site rise away from the Moorings, plateau and then fall away steeply towards the land adjoining to the west, hence the need for the retaining structure to the western portion of the site. The assessment of this element of the scheme will be considered in the landscape section of this report.

The properties are exclusively 2 storey (approx. 7.6m) height set within individual landscaped plots with off street parking on driveways or within integral garages. A parking court has been provided behind the apartment blocks, thus leaving the frontages of the units at the entrance of the site free of car parking. The 2 storey apartment blocks comprise 4 one bedroomed flats and are designed to have the appearance of a standard modern mews or terraced house with covered porch. The revisions have split the apartments in to two separate areas of the site.

The layout is in keeping with the residential layout and vernacular in the existing Moorings housing estate and the wider modern housing estate. In this case it is considered that the proposed heights are acceptable. Some comments have been raised by neighbours concerning rising land levels in the site; however levels are set by the level of the road surface where the Moorings terminates on the existing estate, a matter already accepted by the Inspector.

The layout has been amended since original submission with plots 1 to 4 at the Moorings entrance being revised. The orientation of the plots has been revised to follow the existing building line, which is a significant improvement in design terms.

The proposal provides a reasonable variety of housing styles and mix of units, all being two storey in height, in keeping with the existing vernacular of the Moorings, It should be recognised that the

existing housing estate on the Moorings is exclusively a design of 4 bedroomed detached dwellings, which if submitted as an application today would not meet the residential mix policy SC4 of the emerging plan. The proposal is considered to meet the requirements of SC4 and contribute to sustainable community provision.

Compared to the layout of the Illustrative Masterplan submitted as part of the outline application there has been some revision of heights. The outline masterplan originally indicated blocks of some two and a half storey development. The proposed layout has a looser, less engineered character, where the open space, levels, need to provide an adequate buffer to the overhead electricity cable to the north of the site and buildings and spaces more effectively determining the layout. The street arrangement follows through from the indicative blocks and comprises the inclusion of the central feature landscape public open space and retention of trees around Highfield House, with linear open space to the western boundary.

It is considered that the design of the housing units are appropriate and that the development would not appear out of character with the housing to the east of the site. It also displays the same housing types and layout character as the Goldfinch site.

Details of the proposed boundary treatments are standard close boarded fencing. An open plan configuration is contained to front gardens, again in keeping with open plan character of the existing estate. The road through the site is designed as shared surface, with block paving traffic tables to junctions. The central positioning of the open space ensures equal access from all part of the site via the shared surface.

It is considered that the layout and design of the scheme is appropriate and that it accords with Policy GR2 (Design) of the Congleton Borough Local Plan.

Landscape Impact and trees/hedgerows

The site is currently agricultural land located immediately adjacent to a residential area. There are well established hedgerows and tree belts to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land gradient rises by 2/3 metres from north to south across the site.

There are no landscape designations on the application site. Within the Cheshire Landscape Character Assessment the application site is located on the boundary of the Lower Farms and Woods landscape, specifically the Brereton Heath Area.

Although the site displays some of the characteristics of the Brereton Heath Character Area, the character of the site is significantly influenced by the existing development of housing along the entire eastern boundary. The topography of the application site generally falls from east to west, towards The Howty, apart from a bund located along the north east boundary of the site.

The site has a network of existing hedgerows and trees to the periphery of Highfield House with the remainder of the site agricultural grazing land. The site is strongly influenced by the cemetery to the west and is dominated by residential properties to the east of the site and Highfield House, which the northern part of the site wraps around.

The layout would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access point previously approved) around Highfield House and would allow for landscape and biodiversity enhancement measures to be undertaken. The Council's Tree Officer has confirmed that the arboricultural impacts are acceptable and as such there is no objection in this regard.

The Council's Landscape Architect also raises no concern about this layout.

Residential Amenity

The Congleton Borough Council Supplementary Planning Document, Private Open Space in New Residential Developments, requires a distance of 21 metres between principal windows and 13 metres between a principal window and a flank elevation to maintain an adequate standard of privacy and amenity between residential properties.

The nearest neighbouring residential units to the site are those occupying land at 24 and 21 The Moorings. The land level of the road rises into the site and the heights of the proposed dwellings are approx. 3m higher than the existing dwellings on the Moorings. The gables of each dwelling are approx. 10m and 9m from the new dwellings. These are gable elevations and the building line mirrors that which exists at the Moorings. Such orientations and distances would be sufficient to ensure that the proposed development does not result in a loss of amenity to the nearest neighbouring properties by reason of direct overlooking, visual intrusion or loss of light. Elsewhere, the proposed development would meet or exceed the minimum separation distances.

The SPD also requires a minimum private amenity space of 65sq.m for new family housing. The layout shows that this will be achieved in the majority of cases. It is therefore concluded that the proposed development is acceptable in amenity terms and would comply with the requirements of Policy GR1 and GR6 of the Local Plan.

Affordable Housing

The proposal incorporates 12 affordable units, of which 8 are 1 bedroom apartments, located in 2 separate parts of the southern portion of the site and the remainder are 3 bedroomed mews houses located to the north of the site. The apartments are designed to appear as a pair of semi-detached dwellings.

Affordable units are therefore spread throughout the site in accordance with the pepper-potting requirements of the SPD.

The Council's Strategic Housing Officer has confirmed that the quantum of affordable units, the tenure split, the size and location of the affordable units are acceptable and such the proposal would provide the requisite level and type of affordable housing to assist the continuing need in the locality.

Highways

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe

provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Vehicular access to the site is to be taken from the Moorings, the location and width of which was granted on appeal. This assessment therefore addresses the internal estate road layout.

The proposed internal road layout would provide two cul-de-sacs with no highway link between. The Council's Head of Strategic Infrastructure (HIS – Highways) has confirmed that the proposed road layout does meet highway standards in regards to road width and pedestrian footways provided and as such are considered acceptable.

With reference to parking provision, the parking provision is 200% for the all of the units except for the 1 bed units, which have 1 space each , with one block having 2 visitor spaces. This amount of provision accords with the current parking standards. As such, the internal road layout and the parking provision is considered to be acceptable and policy compliant.

Trees

The Council's arborist has no objections to the proposals.

Ecology

The application has been the subject of a number of surveys for European protected species and other protected species such as the badger. The surveys have been updated as part of the application consideration in accordance with the requirements of the Council's Nature Conservation Officer.

Bats

A number of trees have been identified within the submitted surveys as offering potential roosting opportunities for bats. Given that the proposed layout will enable these tree specimens to be retained and having regard to the submitted mitigation/compensation, the favorable conservation status of the species will be maintained.

Habitats

The site exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds. The impacts of the layout of the proposed development upon the badger are significant so that a Natural England disturbance license will be required. The Council's Ecologist is satisfied that the adverse impact of the development on other protected species can be mitigated in accordance with the submitted ecological information and mitigation.

The Council's Ecologist has queried the use of herbicide within the ecological buffer to the western boundary of the site. He would prefer less use of herbicide. This is achievable through minor adjustment to the management plan, which can be condition.

S106 contributions Levy (CIL) Regulations:

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (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.

In allowing the outline application, the Inspector has already considered the relevant contributions and mitigation required to offset impacts relating to affordable housing, public open space and urban realm works. These were deemed necessary and reasonably related to the development and it is not the purpose of this reserved matters to revisit this. The outline permission and the reserved matters sit together as part of the same development proposal, there is no need to enter into any further legal agreement.

Planning Balance

The principle of development has already been accepted as part of the outline approval on this site. The weighting of material planning issues within the planning balance is an exercise previously undertaken by the Inspector.

This assessment therefore considers the matters of detailed design, layout and landscaping previously reserved, however, the scheme is considered to contribute to the 3 strands of sustainability in the NPPF in the following ways:

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply and provide affordable housing in an area of continuing need.

The impact upon infrastructure would be neutral as the education department previously advised at outline stage that there was sufficient capacity in local schools to cater for this development as part of the outline scheme. The provision of public open space and the proposed play area is acceptable.

The design, layout and landscaping of the scheme are considered to be of sufficient quality.

The ecological and arboricultural impacts are considered to be neutral as mitigation, which was conditioned as part of the outline permission would be secured. Drainage/flood risk issues are also acceptable.

The proposed access points are acceptable and the traffic impact as part of this development has already been accepted together with highway works via a S278 agreement pursuant to the Highways Act and contributions for off-site highway works by the Inspector at the outline stage.

The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

The proposal will contribute to the local economy by virtue of the increased spending power of new residents and the construction supply chain. Accordingly, the scheme is deemed to be acceptable and is recommended for approval.

RECOMMENDATION

Delegate to Head of Planning (Regulation), in consultation with the Chairman and Vice-Chairman, for APPROVAL subject to the consideration of any additional representations resulting from the extended consultation period and the following conditions

1. Development to be carried out in accordance with approved / amended plans
2. Accordance with submitted ecology reports / mitigation / recommendations with revision to herbicide use
3. Accordance with details of boundary treatments
4. Accordance with levels
5. Path materials to be submitted and approved
6. Accordance with 5m buffer zone along watercourse
7. Removal of permitted development rights classes A-E (extensions and outbuildings)
8. Materials to be submitted and approved
9. Obscured glazing on selected plots
10. Removal of permitted development rights for openings on selected plots.
11. Accordance with updated arboricultural report
12. Accordance with Tree / hedgerow protection

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 Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

