

CHESHIRE EAST COUNCIL

SOUTHERN PLANNING COMMITTEE REPORT

Date of Report: 18 August 2016
Report of: David Malcolm – Head of Planning (Regulation)
Title: Site at Manchester Road, Congleton

1.0 Purpose of Report

On the 26th April 2016, Southern Planning Committee considered a full application (ref 14/4451C) for the development of up to 137 dwellings with associated infrastructure (Phase 1).

- 1.1 The purpose of this report is to correct the Local Plan Policy reference utilised within that report from the Congleton Borough Local First Review to the Macclesfield Borough Local Plan 2004.

2.0 Previous Minutes

The minutes are as follows:

RESOLVED

(a) That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman of Southern Planning Committee, to APPROVE the application for the reasons set out in the report, subject to:

- the resolution of outstanding matters relating to levels around trees
- detailed design revisions concerning the siting of a block of 2.5/3 storey houses to Plots 22-25
- negotiations/further investigations with regard to health related infrastructure requirements
- the completion of a s106 agreement to secure
 1. £51,084 in lieu of on site Public Open Space provision – upon 1st occupation
 2. NEAP including at least 8 items of equipment. Specification to be submitted to and agree by the Council.
 3. Provision for a private residents management company to maintain the on-site ecological area/ amenity space / play area and all incidental areas of open space not within the adopted public highway or domestic curtilages

4. Detailed management plan for the above Open Space/ecological mitigation area to be submitted and approved.
5. Provision of 30% on-site affordable dwellings – 65% provided as affordable rent and 35% as Intermediate tenure. The affordable units should be tenure blind and be provided no later than occupation of 50% of the open market dwellings.
6. £50,000 ecological mitigation payment to be paid on the occupation of the 109th dwelling
7. £271,157 towards primary school education provision - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
8. £326,854 towards secondary school education provision - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
9. £91,000 towards special education needs education provision (1 space primary and 1 space secondary) - 50% of the money upon the occupation of the 55th dwelling house and a further 50% upon the occupation of the 109th dwelling
10. £299,999 towards schemes of highway mitigation on the A34 and the A536 to be paid upon commencement of building of the 109th dwelling

- the following conditions:

1. Time – 2 years
2. In accordance with approved plans
3. Materials – Prior submission/approval
4. Construction Management Plan, inc wheel washing – Prior submission/approval
5. Right turn lanes from Manchester Road to be provided and implemented prior to any occupation
6. Details of bin and bike store for flats to be submitted, approved and provided prior to flat occupation
7. Parking areas to be provided as per the submitted plan prior to 1st occupation of relevant flat/house
8. Removal of PD rights for extensions – selective plots – smaller house types
9. Removal of PD rights for any walls, fences, means of enclosure forward of any buildings
10. Surface water drainage scheme – Prior submission/approval of the detailed design, implementation, maintenance and management
11. Landscaping – Prior submission/approval – To include hedgerow retention/enhancement/further planting
12. Landscaping – Implementation
13. Boundary treatments – Prior submission/approval
14. Nesting birds - Prior submission/approval
15. Breeding birds and roosting bat features – Prior submission/approval
16. Piling
17. Floor Floating

18. Environmental Management Plan – Prior submission/approval
19. Land Remediation Strategy – Prior submission/approval in accordance in Compliance with Phase II Contamination report
20. Energy Efficiency/fabric first approach
21. Residential travel plan
22. Evidence and verification report of imported soil and soil forming materials – Prior submission/approval
23. Tree and hedgerow Protection scheme – Prior submission/approval
24. Levels existing and proposed prior to any development. Implementation in accordance
25. Retention and protection scheme for existing trees and hedgerows.
26. Phasing plan for the completion of POS & ecological mitigation areas
27. Landscape Masterplan and full hard and soft landscape details submitted prior to commencement with phasing of implementation
28. Implementation of great crested newt mitigation and Scheme to fully comply with GCN Appraisal and mitigation & Habitat compensation measures (2014) prepared by CES Ecology unless varied by a subsequent Natural England license.
29. Updated badger survey prior to commencement of development
30. Safeguarding of nesting birds
31. Provision of details for the incorporation of features for nesting birds including house sparrow
32. Scheme of reduction of energy use/enhanced fabric approach

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to Head of Planning (Regulation) in consultation with the Chairman (or in her absence, the Vice Chairman) of the 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.

(c) That, should the application be subject to an appeal, approval be given to enter into a S106 Agreement to secure the Heads of Terms as detailed above. Committee resolved to granted planning permssion subject to condions and the satisfactory completion of a S106 Agreement.

- 2.1 Subsequent to this Officers contacted NHS England and were unable to identify any CIL compliant project in Congleton to which a contribution could be sought from this development. The applicant addressed Officers concerns about height of plots 22-25 via amended plans and provided more tree information which did not fully address the tree officer's concerns. The Head of Planning (Regulation), in consultation with the Chair of Southern Planning Committee, considered these matters further and resolved in accordance with the Delegated Authority granted by Committee on 27 April 2016 that the

planning balance weighed in favour of the development and that permission should be granted in accordance with the conditions and S106 Heads of terms as originally recommended.

- 2.2 The S106 Agreement has yet to be signed and the application is as yet not determined.

3 Decision Required

- 3.1 Since resolution it has been noted that the site is located within the ward of Eaton, within the administrative boundary of the former Borough of Macclesfield rather than in Congleton. Accordingly, the Local Plan currently in force for this site is the Macclesfield Borough Local Plan 2004, and not as determined by Committee, the Congleton Borough First Review Revised Local Plan 2005.

4 Background

- 4.1 The site comprises part of Moss Farm and its agricultural grazing land fronting onto Moss Lane and Manchester Road in Congleton. The administrative boundary between the former Borough of Macclesfield and Congleton straddles Moss Farm, however, whilst having a Congleton address, this site falls within the administrative area of the former Macclesfield Borough Council and within the ward of Eaton.
- 4.2 The site is located in the Countryside Beyond Green Belt as defined by the Macclesfield Borough Local Plan 2004 (MBLP) as opposed to the Open Countryside within the Congleton Borough Local Plan First Review 2005. The site is allocated within the emerging Cheshire East Local Plan Strategy as a housing site within Policy CS17 of the emerging Plan.

5.0 Proposed Development

- 5.1 Full Planning permission is sought under reference 14/4451C for the erection of up to 139 dwellings and associated infrastructure.

6.0 Officer Comment

- 6.1 The original Officers assessment in this case referred to the site as being located within the Open Countryside in the Congleton Borough Local Plan with the following policy context –

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

- 6.2** The Planning Policy context against which this application is assessed should have been the Macclesfield Borough Local Plan 2004 and the following policies :

NE11 (Nature Conservation); NE12 (Sites of Biological Importance);BE1 (Design Guidance); GC5 Countryside Beyond Green Belt; H1 (Phasing Policy);H2 (Environmental Quality in Housing Developments);H8 (Provision of Affordable housing);H9 (Delivery of Affordable housing) ;T2 (Transport);DC1 (Design New Build);DC3 (Amenity);DC6 (Circulation and Access);DC8 (Landscaping);DC9 (Tree Protection);DC36 (Road layouts and Circulation); DC37 (landscaping);DC38 (Space, Light and Privacy); DC40 (Open Space standards)

- 6.3** The emerging planning policy context for the site as defined by the Cheshire East Local Plan Strategy does not differ and is as follows;

PG2 – Settlement Hierarchy;PG5 - Open Countryside; PG6 – Spatial Distribution of Development; CS17 - Manchester Road; 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.

- 6.4** Other Material considerations of relevance to the planning assessment are unchanged and are as follows;

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

- 6.5** Policies DC1 (Design New Build) and DC3 (Amenity) of the MBLP require development to be in keeping with the locality and provide for appropriate amenities of existing residents. Policies NE11 (Nature Conservation) and NE12 (Sites of Biological Importance) seek to safeguard interests of nature conservation and protect species. Policies DC1 (Design New Build);DC3 (Amenity);DC6 (Circulation and Access);DC8 (Landscaping);DC9 (Tree Protection);DC36 (Road layouts and Circulation); DC37 (landscaping);DC38 (Space, Light and Privacy); DC40 (Open Space standards) seek to ensure safe means of

access, adequate levels of amenity and open space and landscaping and safeguard trees.

6.6 The proposal is considered to comply with policies pertaining to design, ecology and protected species, highways, trees, amenity of the locality and future residents and mitigation requirements within the Macclesfield Borough Local Plan and that the specific policies within the Macclesfield Borough Local Plan address the same material planning issues as those policies against which this application was initially judged.

6.7 Policy GC5 (Countryside Beyond the Green Belt) of the MBLP) performs the same policy function as Policy PS8 of the Congleton Borough Local Plan First Review. Both are considered to be housing land supply policies and are out of date by virtue of Para 49 of the NPPF. In the absence of a 5-year housing land supply the Council, Paragraph 14 of the NPPF is engaged and the presumption in favour of sustainable assessment prevails. The weighting and assessment of the planning balance as detailed in the original report is unchanged by this correction of the local plan policy framework against which the application should be judged.

6.8 It is considered that there is no material difference between the policy context of a site which is defined as being in the open countryside in the Congleton Borough Local Plan First Review or a site which is defined as being within the countryside beyond the green belt within the Macclesfield Borough Local Plan. In addition, the other policies utilised in the assessment of the application within the Congleton Plan are not materially different from the corresponding planning policies within the Macclesfield Plan.

6.6 In this case, the proposal is considered to comprise sustainable development and Para 14 of the NPPF is engaged and the policies within the emerging Spatial Strategy remain unchanged. There are no other material considerations which would justify reaching a different conclusion in this case.

7 Recommendation

7.1 That the recommendations in this report are noted and the resolution to grant planning permission subject to completion of s106 legal agreement and conditions is confirmed in the light of the correction to the policy framework to refer to the Macclesfield Borough Local Plan rather than the Congleton Plan.

8.0 Assessment of Risk

- 8.1 All key planning issues have been properly assessed and remain unchanged. However, if the references to development plan policy are not corrected then the Council's decision could be open to legal challenge and associated cost. As in any case, the decision to grant planning permission would still be open to challenge, but it is considered that the information set out in this report avoids the risk of such action.

9.0 Reasons for Recommendation

- 9.1 To correct the policy framework referred to in the original committee report and because the planning merits of the planning application remain unchanged.

For further information:

Portfolio Holder: Councillor Ainsley Arnold
Officer: Sue Orrell – Principal Planning Officer
Tel No: 01625 383702
Email: sue.orrell@cheshireeast.gov.uk

Background Documents:

Applications 14/4451C