

Application No: 17/5573C

Location: Land Between Manchester Road And, GIANTSWOOD LANE, HULME
WALFIELD

Proposal: Residential development of 131 dwellings

Applicant: Bloor Homes (North West) Ltd

Expiry Date: 06-Feb-2018

SUMMARY

The site is an allocated site in the Cheshire East Local Plan Strategy (LPS 28) for the delivery of around 150 houses. The site is currently being developed for 96 dwellings under the plans granted reserved matters approval (16/3107C). This scheme increases the numbers of units on the site by 35 dwellings, by including an additional area of land to the rear of Walfield Avenue not previously incorporated, resulting in an increased overall number of dwelling (131 in total) . The scheme involves a reduction in the numbers of 4 bed housing variants allowing an increased number of 3 bed variants on the enlarged site.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of policy compliant affordable housing provision and would help in the Councils delivery of 5 year housing land supply. Mitigation for the education and health impacts of the 35 additional units is provided. The impact upon infrastructure would be neutral as it is mitigated.

Public Open Space and play area provision this is considered to be acceptable. There is a minor impact upon the operations of the Jodrell Bank Telescope, which is a detrimental impact against the proposal. This needs to be assessed in the overall balance.

Environmental Sustainability

The external appearance of the dwellings is considered to be acceptable and carry on the principles from the approved scheme. Highway impacts of the additional 35 units are mitigated via additional S106 payments.

The development would not have any significant impact upon ecology, the trees and hedgerows on this site subject to the mitigation provided.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site from future residents living/ working and speeding in the local economy.

RECOMMENDATION

Approve subject to conditions and the completion of a S106 Agreement and subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

PROPOSAL

This application seeks full permission for the development of the site for 131 units. The scheme has been reduced from 135 units as originally applied for to accommodate a play area.

The development would consist of 1 to 4 bedroom units. The development would consist of the following mix:

- 1 bed – 10 no (all affordable)
- 2 bed - 26 no (16 affordable units)
- 3 bed - 44 no (12 affordable)
- 4 bed – 51 no (1 affordable)

SITE DESCRIPTION

The application site measures 5.60 ha and presently comprises a housing development of 96 units being undertaken by Bloor Homes. This site comprises the original approved site and an additional parcel of land sandwiched between the on going development site and Walfield Avenue.

The site is allocated a strategic site for housing within the Cheshire East Local Plan Strategy comprising the delivery of around 150 dwellings.

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 steeply from the South to North with a change in levels of some 18m towards the existing stream on the site. The Manchester Road frontage is at a significantly lower land level than the site where it backs on to houses on Giantswood Lane.

Trees are to perimeter of the site along the North, East and Southeast boundaries with hedgerow to the remainder.

RELEVANT HISTORY

Deed of Variation to S106 Agreement sealed 30 March 2016 – allows for minor changes to wording of social housing clauses to original S106 Agreement.

16/3107C - Reserved matters of outline approval 14/3107C for 96 dwellings granted permission 15/5/2017 - This scheme is implemented. To date, as required by the S106, the full highways mitigation payment has been provided. Other requirements of the S106 have yet to be triggered

14/1680C – Outline application with access provided for up to 96 units – permission granted subject to S106 Agreement 15 Sept 2015.

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

Local Plan Policy

Cheshire East Local Plan 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

SE10 - Jodrell Bank

IN1 – Infrastructure

IN2 – Developer Contributions

LPS 28 - Giantswood Lane South Congleton

Saved Policies Congleton Borough Local Plan

PS8 Open Countryside
NR4 Non-statutory sites
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
PS10 Jodrell Bank
NR1 Trees and Woodland
NR3 habitats
NR5 Habitats
H6 Residential Development in the Open countryside
H13 affordable Housing and low cost housing

Hulme Walfield and Somerford Booths Neighbourhood Plan
(Made February 2018)

HOU1 - New Housing development
HOU5 - Housing design
INF1 - Infrastructure

Other Material Considerations

National Planning Policy Guidance
Cheshire East Residential Design Guide

CONSULTATIONS

Jodrell Bank: Objection. The proposed 35 units (over and above approved development) will have minor impact upon the operation of the Telescope

Strategic Highways Manager: No objection subject to a financial contribution of £118,750 based on £3,125/unit in the existing Agreement for infrastructure improvements on the A34 Manchester Road/A534 Macclesfield Road.

Strategic Housing Manager: No objection; the proposal includes a policy compliant amount of affordable housing including 1 no four bed unit which addresses local need.

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including travel planning, electric vehicle charging, low emission boilers; compliance with noise report; remediation strategy

Flood Risk Manager (Cheshire East Council) – No objection subject to conditions

Education (Cheshire East Council) – This development of 35 additional dwellings is expected to generate:

7 primary children (35 x 0.19)
5 secondary children (35 x 0.15)
0 SEN children (35 x 0.51 x 0.023%)

To alleviate forecast pressures, the following contributions would be required:

7 x £11,919 x 0.91 = £75,924.00 (primary)
5 x £17,959 x 0.91 = £81,713.00 (secondary)

Total education contribution: £157,637.00

Eastern Cheshire Clinical Commissioning Group: This development of 35 additional dwellings is expected to impact upon the operations of the local doctors surgery. A commuted sum of £32,112 is requested

ANSA (Public Open Space): No objections to the landscaping proposal in general. No objection to the NEAP design, siting or equipment

PROW Unit: No Objection. A diversion is currently in progress for the diversion of Public Footpaths Hulme Walfield Nos. 2 and 3

VIEWS OF THE PARISH/TOWN COUNCIL

Hulme Warfield Parish Council: Comment that the density has increased significantly and the proposal should return to original density with pro rata increase in density with the incorporation of the additional land to rear of Walfield Avenue

Congleton Town Council: No objection subject to adequate assessment of amenity for neighbours

OTHER REPRESENTATIONS

16 objections have been received from local households and other households in the Congleton area raising the following points;

- bungalows should be provided to provide a balance against all the 2 storey housing
- work is already in progress
- Traffic congestion on the A34
- Infrastructure, schools, doctors should be in place before more housing built
- Scheme should be left as originally approved
- FP2 will be upgraded to a Bridleway as part of this development, but what is the point if it leads to a pedestrian only footpath - it should all be cycleway
- Closure of the PROW whilst the development proceeds
- Overlooking of houses on Giantswood Lane
- Additional housing not needed
- Lack of buffer zone as per the previously approved plans

- The additional 38 houses proposed can only lead to greater traffic access onto the A34 and consequent hazard.
- Greater density of development out of keeping with locality
- Loss of wildlife corridor
- Location of the sewer easement to the rear of Giantswood Lane
- Loss of privacy to residents on Walfield Avenue
- Those large housing developments have brought the town to a standstill

OFFICER APPRAISAL

Principle of Development

The application site is identified a site for housing (site LPS28 Giantswood Lane South Congleton) within the Cheshire East Local Plan Strategy. The strategy (inter alia) envisages:

'The development of Giantswood Lane South over the Local Plan Strategy period will be achieved through:

1. *The delivery of 150 new homes (at approximately 30 dwellings per hectare)*

Site Specific Principles of Development

- a. *Contributions towards the delivery of the Congleton Link Road.*
- b. *Contributions towards complementary highway measures on the existing highway network.*
- c. *Pedestrian and cycle links set in green infrastructure to be provided to new and existing employment, residential areas, shops, schools, health facilities the town centre. This should include the retention of existing Public Rights of Way into a landscaped corridor to provide enhanced pedestrian connectivity.*
- d. *The provision of a network of open spaces for nature conservation and recreation. Development should retain and enhance areas of landscape quality / sensitivity.*
- e. *The timely provision of physical and social infrastructure to support the development at this location*
- f. *The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.*
- g. *The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.30 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent existing and proposed uses, particularly through sustainable transport, pedestrian and cycle links*
- h. *The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.*
- i. *The Local Plan Strategy Site will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).*
- j. *Future development –should consider the use of SUDs to manage surface run off from the site.*
- k. *A desk-based archaeological assessment should be undertaken, with appropriate mitigation, if required.*
- l. *Future development should consider Policy SE14 Jodrell Bank.*
- m. *Contributions to education and health infrastructure*
- n. *The visual, noise and pollution assessment of development should be undertaken with the assumption that the link road is in situ and suitable screening/mitigation provided accordingly*

- o. A minimum Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.*
- p. Future development should provide an east to west Greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton.*
- q. Any replacement and /or new sports provision should be in accordance with the adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy*

Congleton has been identified as a Key Service Centre for Cheshire East. The focus for Congleton over the Local Plan Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town.

The provision of new housing is seen as important as part of balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and support the delivery of the Congleton Link Road.

Congleton is therefore expected to accommodate in the order of 24 hectares of employment land and 3,500 new homes up to 2030. This site is one of the sites that has been allocated to contribute towards the required future housing need to 2030.

The location of the town's existing employment sites to the north of the settlement, the ambition to create a link road to the north of the town and the constraints presented by the South Cheshire Green Belt have led to the selection of a range of Local Plan Strategy Sites and Strategic Locations located to the north of Congleton. These sites offer the most effective means to support the expansion of existing successful business locations and make sure that new residential development is not only located within easy access of these employment sites but also to facilities and services in Congleton without the need to remove land from the South Cheshire Green Belt.

It is considered that this application is in keeping with the requirements of allocation LPS28 and that the principle of this application is acceptable

Housing Land Supply

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

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

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the local area including additional trade for local shops and businesses by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain.

SOCIAL SUSTAINABILITY

Housing Mix

Paragraph 50 of the Framework sets out that Council's should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should also identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix).

The proposed mix when compared to the implemented approved mix is -

The current application

1 bed – 10 no (all affordable)
2 bed - 26 no (16 affordable units)
3 bed - 44 no (12 affordable)
4 bed – 51 no (1 affordable)

Approved scheme (16/3107C)

1 bed - 6 no (all affordable)
2 bed - 15 no (9 affordable)
3 bed - 17 no (12 affordable)
4 bed - 58 no (0 affordable)

It is considered that this proposal provides an appropriate range of units across size and tenures to satisfy the requirements of Policy SC4 and satisfactorily contributes to the social arm of sustainability.

Affordable Housing

This is a proposed development of 131 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 40 dwellings to be provided as affordable dwellings in a 65:35 split.

The SHMA 2013 evidenced a requirement for 58 new affordable dwellings per annum. Broken down the SHMA identified a need for 27 x 1 bed, 10 x 3 bed, 46 x 4 bed and 37 x 1 bed older person dwellings – with an evidenced oversupply of both 2 bed general needs and older person dwellings.

The current number of those on the Cheshire Homechoice waiting list with Congleton as their first choice is 312. This can be broken down to 133x 1 bedroom, 112x 2 bedroom, 53x 3 bedroom and 14x 4 bedroom dwellings, therefore a mix of 1, 2,3 and 4 bedroom dwellings for General Needs and 1x bedroom dwellings for Older Persons on this site would be acceptable. The Older Person's accommodation can be via flats, cottage style flats and bungalows.

26 units should be provided as Affordable rent and 14 units as Intermediate tenure.

Children and Young Persons Play Provision

A Neighbourhood Area of Play (NEAP) is provided in accordance with policy. This will be maintained by Residents Management Company. Overall the Greenspace Officer is satisfied with the location within the site. The Future maintenance of all POS and the NEAP on site would be on the basis of a private management regime, via S106, which would need to be approved by the Council.

Education

It has to be borne in mind that 96 units within this development have been previously granted permission and the educational impact has already been assessed. The previous permission for 96 units has been implemented. The educational impacts of this scheme therefore relates to the additional impact of 31 dwellings.

An application of 31 dwellings is expected to generate 7 primary aged children and 5 secondary aged children.

| | | | | | | | | |
|----|---|----------------------------|---|-------|-------|-------|-------|-------------------------|
| 1 | Development | manchester rd / Giantswood | Number of Dwellings | 35 | | | | |
| 2 | Planning App Number | 17/5573C | Primary Yield | 7 | | | | |
| 3 | Date Prepared | | Secondary Yield | 5 | | | | |
| 4 | | | SEN Yield | 0 | | | | |
| 5 | | | PUPIL FORECASTS based on October 2016 School Census | | | | | |
| 6 | Primary Schools | NET CAP May-18 | 2017 | 2018 | 2019 | 2020 | 2021 | Comments |
| 7 | Astbury St Mary's CofE Primary School | 133 | 114 | 110 | 108 | 100 | 97 | |
| 8 | Black Firs Primary School | 315 | 292 | 315 | 336 | 357 | 363 | |
| 9 | Buglawton Primary School | 206 | 205 | 212 | 218 | 222 | 232 | |
| 10 | Daven Primary School | 210 | 182 | 200 | 212 | 220 | 228 | |
| 11 | Havannah Primary School | 203 | 203 | 207 | 208 | 206 | 209 | |
| 12 | Marlfields Primary School | 210 | 212 | 234 | 263 | 281 | 288 | |
| 13 | Saint Mary's Catholic Primary School | 210 | 193 | 198 | 201 | 210 | 212 | |
| 14 | The Quinta Primary School | 330 | 355 | 368 | 388 | 397 | 403 | |
| 15 | New school (Giantswood) | 115 | | | | | | New School - Giantswood |
| 16 | | | | | | | | |
| 17 | Total Schools Capacity | 1,932 | | | | | | |
| 18 | Developments with S106 funded and pupil yield included in the forecasts | 118 | | | | | | |
| 19 | Developments pupil yield not included in the forecasts | | | | | | 92 | |
| 20 | Pupil Yield expected from this development | | | | | | 7 | |
| 21 | OVERALL TOTAL | 2,050 | 1,756 | 1,844 | 1,934 | 1,993 | 2,131 | |
| 22 | OVERALL SURPLUS PLACES PROJECTIONS based on Revised NET CAP | | 294 | 206 | 116 | 57 | -81 | |

The above table indicates that by the year 2021 there is a projected deficit of 81 primary places as a result of this and other developments.

| | NET CAP May-18 | PUPIL FORECASTS based on October 2016 School Census | | | | | | |
|---|----------------|---|-------|-------|-------|-------|-------|-------|
| Secondary Schools | | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 |
| Eaton Bank Academy | 900 | 627 | 708 | 751 | 791 | 796 | 775 | 784 |
| Congleton High School | 900 | 988 | 1,052 | 1,086 | 1,136 | 1,151 | 1,190 | 1,199 |
| | | | | | | | | |
| | | | | | | | | |
| Total Schools Capacity | 1,800 | Please Note; All figures quoted exclude any allowance for 6th Form Pupils | | | | | | |
| Developments with S106 funded and pupil yield included in the forecasts | 95 | | | | | | | |
| Developments pupil yield not funded and not included in the forecasts | | | | | | | | 111 |
| Pupil Yield expected from this development | | | | | | | | 5 |
| OVERALL TOTAL | 1,895 | 1,615 | 1,760 | 1,837 | 1,927 | 1,947 | 1,965 | 2,099 |
| OVERALL SURPLUS PLACES PROJECTIONS | | 280 | 135 | 58 | -32 | -52 | -70 | -204 |

In terms of secondary provision there is a 204 place deficit in the same period. To alleviate forecasted pressures, the required mitigation is :

$$7 \times £11,919 \times 0.91 = £75,924.00 \text{ (primary)}$$

$$5 \times £17,959 \times 0.91 = £81,713.00 \text{ (secondary)}$$

Total education contribution: £157,637.00

Both education contributions will be secured via a S106 Agreement should the application be approved

Health

Policy SC3 of the CELPs states that the Council will seek contributions towards new or enhanced health and social care facilities from developers if the proposals would generate possible health impacts.

The NHS Eastern Cheshire Clinical Commissioning Group have advised that the planned growth in housing numbers in the Plan period to 2030 will have an impact upon the 3 doctors surgery in Congleton. All 3 surgeries are operating beyond capacity and will require extensions to cater for the additional demand as the additional planned housing becomes occupied.

The NHS advised that a financial contribution based on the following calculation is appropriate

| No of beds | Persons assumed | Health need per unit |
|------------|-----------------|----------------------|
| 1 | 1.4 | £504 |
| 2 | 2 | £720 |
| 3 | 2.8 | £1008 |
| 4 | 3.5 | £1260 |

In this case, the Health Care contribution is sought for the additional 35 dwellings over and above the existing permission. A total contribution of £32,112 is sought. This equates to a contribution for 11 x 2bed and 24 x 3 bed houses.

It is advised that this sum would be used to provide funding to contribute towards the approved extension of Lawton House Surgery, a development that forms part of the Health Service Delivery Plan for the area. The extension to the doctors surgery will facilitate a greater level of capacity for the delivery of Primary Care Services to the local population.

In this respect, the contribution is considered to be CIL compliant.

Residential Amenity

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

Houses adjoining the site on Giantswood lane are a minimum of 50 metres away from any elevation of the closes house within the proposed layout, which also is sloping away from the 2/3m higher land level at Giantswood Lane.

Houses on Walfield Avenue are a minimum distance of 30 metres from the new houses proposed. Accordingly, the siting of the proposed dwellings accords fully with the SPG

Noise

The site is located on a busy arterial route into and out of Congleton. Properties at the mouth of the site (Plots 2 - 5), closest to Manchester Road are those at greatest risk from traffic noise.

The applicant submitted an acoustic report in support of the previous application which recommends mitigation in the form of an earth bund and acoustic fence (2.5m overall) to this part of the site.

The proposed layout at plots 2 - 5 is identical to the permitted scheme. The proposed mitigation measures in this area should be identical as the permitted scheme. A condition can be imposed

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

Congleton has three Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

An Air Quality Assessment has been submitted. The assessment concludes that the impact of the future development on the chosen receptors in Congleton will be not significant with regards to NO₂ and PM₁₀ concentrations, with none of the receptors experiencing greater than a 1% increase relative to the AQAL.

That being said there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

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 in the form of direct measures to reduce the adverse air quality impact.

Jodrell Bank

Jodrell Bank advise that they oppose this development. Their view is that the impact from the additional potential contribution to the existing level of interference coming from the direction of this site will be relatively minor. Jodrell Bank now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment. This is the case here.

This objection is relevant to the additional 35 units over the approved development scheme granted outline permission for 96 units (ref 14/1680C is an important material consideration given that the associated reserved matters for 96 units is currently being built out).

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

The Congleton Borough Local Plan and the Cheshire East Local Plan Strategy states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment.

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

The social adverse impacts of this scheme would therefore be the relatively minor impact the development would have upon the efficiency of the Jodrell Bank Radio Telescope, which is of international significance. The site is, however, allocated for 150 units in the Local Plan Strategy.

The LPA will have to notify Jodrell Bank of the intention to grant planning permission under the existing Jodrell Bank Direction for a period of 21 days prior to the issuing of a Decision Notice which grants permission. Jodrell Bank have the ability under the terms of the Direction to ask the Secretary of State to cause a Public Inquiry to be heard.

It should also be taken into account, that, whilst it cannot mitigate the impact or overcome the objection, the level of the relatively minor impact can be moderated by the use of electromagnetic screening measures within the development. This could be attached as a condition.

Social Sustainability Conclusion

Social benefits in the form of the provision of market and affordable dwellings on an allocated site within the adopted and up to date development plan. In addition, no significant neighbouring amenity concerns would be created. Subject to the satisfactory completion of a S106 Agreement, the scheme mitigates for its educational and health impact and a policy compliant level of on site play and open space is provided.

It is considered that the impact upon Jodrell Bank, given the site allocation and 'relatively minor' impact, should be given limited weight against the scheme in the planning balance.

As such, it is considered that on balance the proposal would be socially sustainable.

ENVIRONMENTAL SUSTAINABILITY

Highways

Saved 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 Manchester Road, the details of which were granted at outline stage for the previously approved 96 units. This scheme has been implemented. The S106 highways mitigation, for the local highway network) payment of £300,000 (indexed linked from July 2015) for the 96 dwellings has been received. This assessment therefore considers only whether the approved access can be utilised for the additional 35 units and the mitigation necessary for the additional 35 unit impact

The internal layout of the road system is based on the original approved layout.

The Council's Head of Strategic Infrastructure (HSI – 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. This 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.

Financial contribution to highways has been already achieved on this site for 96 units scheme. In the light of the additional 35 dwellings further contributions are required to mitigate for that impact. The Strategic Highways Manager raises no objection subject to a S106 contribution of £118,750 based on £3,125/unit in the existing Agreement for infrastructure improvements on the A34 Manchester Road/A534 Macclesfield Road.

Public Rights of Way (PROW)

Hulme Walfield Footpath No. 2 is being diverted and upgraded to bridleway status so that it can be used by cyclists. The bridleway section from Giantswood Lane is proposed to terminate at the estate road. Onward westerly journeys for pedestrians would be along the footpath/pavement of the estate road. Onward westerly journeys for cyclists/horse riders would be on the estate road. This is identical to the previously approved scheme.

Flood Risk and Drainage

The application site is within Flood Risk Zone, however there are topographic low spots within this site as indicated by the Environmental Agency's (EA) mapping system. The risk of flooding from this source will need to be appropriately mitigated before development can commence on site and must ensure surface water flooding is not increased to existing developments.

The Council's Flood Risk Officer has reviewed the supporting information and advises that he has no objections, subject to conditions.

Ecology

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones, but the proposed development is not of a type which Natural England have identified as being likely to have an impact upon the interest features for which surrounding SSSIs were designated. It is therefore not necessary to consult Natural England in this instance.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Hedgerow 4 has been identified by the submitted ecological assessment as potentially being Important under the Hedgerow Regulations. This hedgerow would be lost under the current development proposals. This hedgerow was however assessed as part of the outline application and not found to be Important under the regulations.

Hedgerow 4 is however relatively species rich. The scheme has been revised to retain as much as possible to the satisfaction of the Ecologist.

Pond

As with the previous consent a new wildlife pond is proposed. This proposal is welcomed and is in accordance with the details approved under discharge of conditions application 17/3176d.

Bats and barn owls

The submitted ecological assessment identifies a number of trees with potential to support roosting bats. These trees may also have potential to support barn owls.

The applicant has now confirmed that the remaining trees in the vicinity of target note 2 on the habitat plan are to be retained.

To avoid any impacts on foraging bats resulting from additional lighting associated with the development a condition regarding lighting is required

The submitted Ecological Assessment recommends bat activity surveys be undertaken to determine the extent of bat activity associated with hedgerow 4. This hedgerow is shown as being removed under the current development proposals.

A report of this recommended survey has not been submitted in support of the application. The applicant has advised that this survey cannot be commenced until April.

The additional hedge planting on the sites western boundary was envisioned under outline consent 14/1680C as offering additional foraging habitat for bats and for wildlife in general. To achieve this the proposed new hedgerow must be allowed to grow tall and relatively bushy. A Habitat Management Plan will be required by condition.

Breeding Birds

The application site is likely to support a number of species of birds potentially including the more widespread farmland species which are a priority for conservation. The retention of the existing hedgerows and proposed new hedgerows would assist in mitigating and compensating for the potential impacts of the proposed development upon many bird species.

Evidence of breeding by Skylark was however recorded during the submitted ecological assessment. This is a ground nesting open country bird and so the proposed development would result in the loss of habitat for this species.

Off-site habitat provision be considered as a means of compensating for the impacts on this species resulting from the proposed development. The applicant has asked if they could contribute to a conservation project for this species. However, the Council is not aware of any conservation projects being undertaken specifically for skylark. We would however consider a commuted sum to be used for habitat creation/enhancement elsewhere in the borough.

If planning consent is granted standard conditions will be required to safeguard nesting birds

Design and Layout

The Council has adopted Supplementary Design Guidance 'Cheshire East Design Guide' which is an important material consideration to which significant weight is attached in this case.

Congleton is a Silk Town within the Guide. It has a hilly topography which adds to its character in the centre, which is characterised by terraced properties that creates well defined streets that also create the strong townscape in the centre. Brick and render are the traditional material. Traditional detailing varies depending on house type. Terraced housing is simply detailed, tall vertical windows, chimneys, wedge lintels. Embellishments include string courses in brick or stone, bay windows, dentilling bricking to corbals, eaves brackets. Larger semi and detached houses comprise more ornate detailing including moulded stonework, decorative brickwork, mock-tudor effects to gables.

The NPPF attaches great importance to the design of the built environment with paragraph 64 indicating that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'. Nevertheless consideration must also be given to paragraph 60 which emphasizes that 'decisions should not attempt to impose architectural styles or particular tastes' but should 'seek to promote or reinforce local distinctiveness'.

It should be borne in mind that the lower parts of the site to the position of the NEAP follow the previously approved reserved matters layout. This comprises 3 density zones, the boundaries to the site set within a green buffer (some of which is drainage easement) and an internal general road layout, off a linear gently undulating spine road. The scheme put forward mirrors the building envelope and the linear layout of the same spine road. The proposals are all 2 storey dwellings or flats that have the appearance of dwellings.

Levels on the site drop away by @ 15m from Giantswood Lane to Manchester rd. This is a significant issue, which allied to the landscaping (hard and soft) needs to be assessed.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

In this case there are a variety of house types and styles, ranging from 1 bed flats to 4 bed detached dwellings. All properties are a max of 2 storeys in height. Key focal units turn corners with bay windows. The positive and externally orientated perimeter dwellings are welcomed with all areas of open space, the NEAP, footpaths and highways well overlooked by the proposed dwellings, giving high levels of passive surveillance.

In terms of the detailed design the proposed dwellings include canopies, bay windows, cill and lintel details. Whilst brick facings are the predominate material, there are a number of focal point properties within the street scene that utilise render as a design tool.

The design of the proposed dwellings are in keeping with the semi rural nature of the area and their scale is considered to be acceptable and would not detract from this part of Congleton.

The landscape of the area is also considered to be a priority consideration in the overall design of this site. The site levels elevate in a northerly direction toward Giantswood Lane and there are a

number of mature and attractive trees within the site and to its periphery, particularly Manchester Road, which are retained. Hedgerows also predominate.

Internally within the site the proposed development would include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be limited with the majority provided to the side/rear of the dwellings. There would also be parking in the form of rear courtyards to certain plots.

In terms of the landscaping within the development this is discussed elsewhere within the report and includes a comprehensive scheme of tree-planting including a high number of street trees to the avenue.

The Hierarchy of streets is not defined as you go through the site, however, this is a legacy of the previous planning permission on the site, which pre-dates the design guide. In this context, whilst the layout of the streets is in keeping with the approved parameters and the layout approved at reserved matters stage, it is important that hard landscaping and street detailing is sympathetically dealt with specific regard to the hard landscaping materials used. A condition is suggested to ensure this layout improves the street layout and quality of materials

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

Yes - a Bridal way is provided via the upgrading of the PROW that runs through the site from Giantswood Lane to Manchester Road. The route and design is identical to the previous implemented permission.

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

The site is allocated within the adopted development Plan. It is considered to be in an accessible location. The Eaton Bank Secondary School is close by as is Havannah primary school

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

Yes, Manchester Road has a bus stop close by with buses to Macclesfield and Congleton town centre and onwards

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

Yes. There are 1,2,3 and 4 bed units catering for all housing needs in this location. Since the previous permission there has been an increase in smaller units and a reduction in the numbers of 4 bed units on this site

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

Yes, the scheme utilises the sloping nature of the site and retains importance landscape features and trees

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

Internally within the site the proposed development would be include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be limited with the majority provided to the side/rear of the dwellings. There would also be parking in the form of rear courtyards to certain plots.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

There is a centrally located NEAP and a corridor of open space adjoining the bridleway through the site from Giantswood Lane to Manchester Road and this would be well-overlooked. It is considered that the development would create an attractive and safe area of public open space.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. Cottage style units also have shared rear garden space. Together with the proposed garaging there would be adequate space for future occupiers to store their bins/cycles.

Design Conclusion

On the basis of the above Design Guide/Building for Life assessment it is considered that the proposed development represents an acceptable design solution.

Trees and Landscaping

Important trees to the Manchester Road frontage are retained as part of the proposals. The Tree Officer has assessed the detailed proposals and advises that there are no tree implications resulting from the proposals.

The submission includes landscape proposals. Whilst there are landscaping proposals submitted, there remain issues about the boundary treatments and landscape details. The council's landscape officer has suggested conditions with regard to more details to be submitted pertaining to boundary treatment and landscaping. Subject to conditions this scheme is acceptable

Environmental Sustainability Conclusion

Subject to conditions as suggested in terms of this detailed layout, together with the S106 mitigation already achieved and also proposed the scheme would not create any significant issues in relation to; landscape, trees, highway safety and congestion, drainage or flooding and ecology. On this basis the layout is considered to comprise an environmentally sustainable form of development

Levy (CIL) Regulations

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.

The education contribution is necessary having regard to the oversubscription of local primary, secondary schools given the demand that this proposal would add to the local provision. This is considered to be necessary, fair and reasonable in relation to the development.

The Healthcare contribution is necessary having regard to the over-capacity of the local doctors surgeries and the approved project to address the capacity issue. This scheme will add to that demand.

The highways contribution is necessary to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable. The PROW payment is necessary to mitigate for the impacts upon the PROW adjoining the site

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

Planning Balance

The majority of this site is currently being developed as part of an allocation for housing within the Local Plan Strategy for 96 units.

The proposed development of 131 units 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, providing a mix of affordable and market housing in an area of continuing need. This is in accordance with the adopted Local Plan Strategy

It also mitigates for the highways, educational and health impact of the additional 35 units which are now proposed, over and above the numbers of units currently being implemented.

The design, layout and landscaping of the scheme are considered to be of sufficient quality with appropriate conditions suggested. The ecological and arboricultural impacts are considered to be neutral as mitigation is provided. Drainage/flood risk issues are also conditioned.

The proposed access point is acceptable for the additional traffic impact of the additional 35 units. The internal design of the highway layout/parking provision is acceptable to the Head of Strategic Infrastructure (Highways).

There is a relatively minor impact upon the operations of Jodrell Bank, who oppose the development on this basis. This is a negative impact in the overall balance

In this instance, is considered that the benefits of the scheme in terms of the additional market and affordable housing provided, particularly in the light of the allocation of the site for around 150 dwellings would outweigh the impacts of the proposal to Jodrell Bank. The proposal is considered to be a sustainable form of development.

It is therefore recommended that permission be granted

Subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

Approve subject to completion of a S106 Agreement to secure the following:

- 1. Detailed residential management agreement for the on going maintained of the Open Space/Children's play space be submitted and approved.**
- 2. Detailed habitat management plan for on going management**
- 3. 30 %Affordable Housing in 65:35 split**
- 4. Education Contribution**
- 5. Health Care Contribution of £32112**
- 6. A highways contribution of £118,750 based on £3,125/unit in the existing Agreement for infrastructure improvements on the A34 Manchester Road/A534 Macclesfield Road.**

And, the following conditions;

- 1. Time**
- 2. Plans**
- 3. Materials as submitted**
- 4. Submission and approval of land Verification report**
- 5. unforeseen contamination**
- 6. Garden soil testing for contamination prior to implementation**
- 7. Overall detailed strategy / design limiting the surface water runoff generated by the proposed development, associated management / maintenance plan and managing overland flow routes for the site has been submitted to and approved**
- 8. Construction and Environmental Management Plan, inc wheel washing – Prior submission/approval; piling, dust control**
- 9. NEAP details.**
- 10. Approved landscaping implementation**
- 11. Removal of PD rights for alterations and extensions (Classes A-E) for Plots - 27-40; 43-45; 129-131**

12. Design and surfacing of streets and areas of hardscape (including driveways) shall be submitted to and agreed in writing by the LPA to comply with Design Guide
13. Public Rights of Way scheme of management shall be submitted to and approved
14. Hedgehog Gaps
15. Breeding birds and roosting bat features – Prior submission/approval
16. Contaminated Land Phase I, unexpected contamination, importation of soil
17. Residential travel plan inc residents information pack
18. Car charging for each dwelling
19. Tree and hedgerow Protection scheme – Prior submission/approval
20. Scheme for the incorporation of electromagnetic screening measures (protection of Jodrell Bank telescope)
21. Ultra Low Emission boilers
22. Permitted development removal - fences/means of enclosure forward of building line
23. detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage to be submitted
24. Minimum 2 m high acoustic fence and a 0.5m high earth bund (2.5m overall height when measured from Manchester Road (close boarded with no gaps minimum density 15kg/m²) to be provided prior to occupation of plots 2-5
25. Lighting details to be submitted/approved
26. 10 year habitat management plan to be submitted and agreed (inc wildflower meadows)
27. levels proposed and existing
28. Superfast broadband provision
29. Piling details
30. Landscaping scheme (ornamental scheme) to be submitted/approved

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) of the 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.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.

