

CHESHIRE EAST COUNCIL

Strategic Planning Board

Date of Meeting: 9 November 2011
Report of: Development Management & Building Control Manager
Subject/Title: Loachbrook Farm, Sandbach Road, Congleton.

1.0 Purpose of Report

- 1.1 To consider the withdrawal of part of a reason for refusal relating to planning application 11/0736C Redevelopment of Land for up to 200 Dwellings, Community Facilities & Associated Infrastructure at Loachbrook Farm, Sandbach Road, Congleton

2.0 Decision Required

- 2.1 To withdraw the foul drainage reason for refusal in accordance with the report and recommendation set out below.

3.0 Background and Report

- 3.1 At the meeting of the 27th July 2011, the Strategic Planning Board considered an outline application for up to 200 dwellings, community facilities & associated infrastructure.
- 3.2 The Strategic Planning Board resolved to refuse the application for two reasons.

I. The proposed residential development, which is located within the Open Countryside, is considered to be an unsuitable location for development by virtue of the adverse impact that the proposals would have on the local landscape character. In addition, the proposed development is poorly related to existing built form. The proposed development would therefore be contrary to Policies GR5, GR3 and PS8 of the Congleton Borough Adopted Local Plan First Review 2005 and guidance contained within PPS1, PPS3 and PPS7.

*II. It is considered that the proposed development would result in an unsustainable form of development. The site is at the westernmost periphery of Congleton at a distance of 2km from the town centre and there are more suitable deliverable sites which offer a more sustainable location. The proposed development would also result in the loss of the best and most versatile agricultural land. **There is also insufficient foul drainage infrastructure to accommodate the proposed development.** The proposed development is therefore not suitable for housing development. **The proposed scheme would be contrary to Policy GR20 (Public Utilities) and GR23 (Provision of Services and Utilities) of the Congleton Borough***

Adopted Local Plan First Review 2005 and guidance contained within PPS1, PPS3 and PPS7.

- 3.3 United Utilities raised an objection to the application on the grounds that “the public foul sewer system is currently at capacity and cannot accept additional flows; increased flows could result in a severe environmental impact on receiving watercourse and/or flooding in the sewerage network.” This resulted in reference to insufficient foul drainage infrastructure within the second reason for refusal, with the associated Local Plan Policies (as indicated in bold above).
- 3.3 In preparation for the forthcoming Public Inquiry in December 2011 United Utilities have been pushed to provide detailed information as to the why this would prevent the development taking place. This also follows legal advice to the Council on current case law which advises that the utility provider (United Utilities in this case) is required to provide a connection to the foul drainage system, and that it is they that would have to do whatever is require to facilitate this. United Utilities have now confirmed that they raise no objection to the proposal subject to the imposition of a ‘Grampian’ condition of any approval of planning permission.
- 3.4 In light of these conclusions, and having taken advice from Counsel, it is considered that the Council should no longer contend this part of the second reason for refusal.

4.0 Conclusions

- 4.1 On the basis of the above, it is considered that the Council should withdraw the foul drainage part of the second reason for refusal.

5.0 Recommendation

- 5.1 That the Strategic Planning Board resolve to withdraw the foul drainage part of the second reason for refusal as indicated in bold in paragraph 3.2.

6.0 Risk Assessment and Financial Implications

- 6.1 In light of the legal advice received, and updated information from United Utilities if pursued, a successful claim for appeal costs could be made against the Council on the grounds of unreasonable behaviour.
- 6.2 There would also be an implication in terms of the Council’s own costs in defending the reason for refusal.