

## APPENDIX ONE

Application No: 12/3028C

Location: LAND OFF, THE MOORINGS, CONGLETON

Proposal: ERECTION OF UP TO 40 DWELLINGS, OPEN SPACE, ASSOCIATED LANDSCAPING, INFRASTRUCTURE, ACCESS AND DEMOLITION OF PORTAL SHED

Applicant: Michael Johnson, Seddon Homes Limited

Expiry Date: 09-Nov-2012

### **SUMMARY RECOMMENDATION**

**APPROVE subject to Section 106 Agreement and Conditions**

### **MAIN ISSUES**

**Planning Policy And Housing Land Supply**  
**Sustainability**  
**Affordable Housing,**  
**Impact on Good Quality Agricultural land**  
**Highway Safety And Traffic Generation.**  
**Flood risk and drainage**  
**Layout and design**  
**Amenity**  
**Landscape Impact and Hedge and Tree Matters**  
**Ecology**  
**Education Infrastructure**  
**Renewable Energy**

### **REFERRAL**

The application has been referred to Strategic Planning Board because it is a smallscale major development which is a departure from the Development Plan.

Another application (12/3025C) for up to 40 dwellings submitted by the same Applicant for a nearby site at Kestrel Close and Goldfinch Close Congleton is reported elsewhere on this Agenda.

## **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 with all matters other than access reserved for future determination.

The application 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 is in agricultural land use for grazing (sheep). 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 in the wider distance. 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.

## **DETAILS OF PROPOSAL**

Outline planning permission is sought for the erection of up to 40 dwellings with open space and associated infrastructure. Approval is also sought for the means of access from the existing housing estate via The Moorings. All other matters, including appearance, landscaping, layout and scale are reserved for a subsequent application.

## **RELEVANT PLANNING HISTORY**

There are no relevant previous planning applications relating to this site.

## **PLANNING POLICIES**

National Planning Policy Framework

### **Local Plan Policy**

PS8 Open Countryside  
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

GR 22 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

Of the remaining saved Cheshire Structure Plan policies, only policy T7: Parking is of relevance.

### **Cheshire Replacement Waste Local Plan (Adopted 2007)**

Policy 10 (Minimising Waste during construction and development)  
Policy 11 (Development and waste recycling)

### **Regional Spatial Strategy**

DP4 Make best use of resources and infrastructure  
DP5 Managing travel demand  
DP7 Promote environmental quality  
DP9 Reduce emissions and adapt to climate change  
RDF1 Spatial Priorities  
L4 Regional Housing Provision  
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets  
EM3 Green Infrastructure  
EM18 Decentralised Energy Supply  
MCR3 Southern Part of the Manchester City Region

### **Other Material Policy Considerations**

Interim Planning Policy: Release of Housing Land (Feb 2011)  
Interim Planning Statement: Affordable Housing (Feb 2011)  
Strategic Market Housing Assessment (SHMA)  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
North West Regional Development Agency Sustainability Checklist

### **OBSERVATIONS OF CONSULTEES**

#### **Western Power (Infrastructure)**

A 33kV High Voltage overhead line crossing the site to the north of Highfield House. It is likely that this will need to be diverted.

## **Environment Agency**

No objection in principle to the proposed development but would like to make the following comments:

- No development shall commence until a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved
- The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved

## **United Utilities**

No objection to the proposal provided that the following conditions are met:

- This site must be drained on a separate system in accordance with the Flood Risk Assessment
- Access for operating and maintaining a 6" PVC water main which crosses the site will need to be retained . Therefore, a modification of the (indicative) site layout, or diversion of the main at the applicant's expense, will be necessary.

## **County Archeologist :**

No objection subject to condition that the site should be subject to a scheme of archaeological mitigation. This should consist of a programme of supervised metal detecting across the rest of the area to identify and record any artefacts present. If particular concentrations of material are located, more intensive work may be required at these specific localities. If only a general spread of artefacts is located, no further fieldwork is likely to be required. A report on the work will need to be produced and the mitigation may be secured by the condition given below:

## **Public Right of Way (Countryside Development Officer)**

Proposed development may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes.

To the south of the site is public bridleway No. 1, known as Lambert's Lane. This public right of way is an important resource for travel and leisure and it is noted the proposal refers to the creation of a future link to Lamberts Lane. This is supported in principle

3 points arise:-

- Any proposal for housing could benefit in terms of permeability, accessibility and therefore sustainability were it to have a pedestrian and cyclist access onto public bridleway No. 1. The public bridleway is a key link route east –west for non-motorised users, connecting the canal towpath and railway station amongst other facilities and avoiding the town centre roads. Encouraging non-motorised travel is captured within the policies of the Local Transport Plan and Rights of Way Improvement Plan.

- The public bridleway forms part of the Congleton Southern fringes project which enhanced and promoted the network of public rights of way for leisure purposes: research for the statutory Rights of Way Improvement Plan has shown that residents want local circular walks. A link from the proposed development sites to the public rights of way network would offer this opportunity. Encouraging active leisure activities such as walking and cycling is captured within the policies of the Local Transport Plan, Rights of Way Improvement Plan and Ambition for All.
- The public bridleway No. 1 is in need of some drainage improvement works in order to ensure year round access for all for the predicted future usage. Contributions from any development at this site would be a key part in enabling proposed residents to access the public rights of way network in the area.

### **Amenity Greenspace**

There would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Amenity Greenspace to meet the future needs arising from the development. Some areas of Open Space (formal and informal) are indicatively illustrated within the application. These should be a minimum of 960m<sup>2</sup> in area in accordance with the Interim Policy Note on Public Open Space.

Based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Maintenance:	£ 11, 352.00 (for 960m <sup>2</sup> )
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### **Children and Young Persons Provision**

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. Whilst there is a requirement for new open space, the existing facilities within the vicinity of the development are substandard in quality including a poor range of facilities for the needs of the local community. An opportunity has arisen for upgrading of an existing facility at Townsend Road.

Given that an opportunity has been identified for upgrading the capacity and quality of Children and Young Persons Provision, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be;

Enhanced Provision:	£ 8,790.72
Maintenance:	£ 28, 656.00

## **Strategic Highways Manager**

The traffic impact of this proposal does not constitute a major development impact and the site is sustainably located. There are sections of footway that are narrow on Canal Road and these cannot be widening as the carriageway width in that section of road would be compromised. However, there is a minimal footway width available and this does allow pedestrians to walk without needing to use the carriageway.

No objections are raised subject to conditions. The creation of a right turn lane and pedestrian refuge on Canal Road into the estate as recommended in the Transport Statement is accepted. A condition is suggested The Developer, in seeking to mitigate impacts upon the highway network as a result of additional movements closer to the town centre attributable to this development has undertaken to provide a financial contribution as a contribution to a scheme of improvements as part of the Congleton Urban Realm Strategy. This has been put forward being £750 per unit. If the 40 units as applied for were to be developed this would equate to £30,000.

## **Environmental Health**

- The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday: 08:00 to 18:00 hrs; Saturday: 09:00 to 14:00 hrs; Sundays and Public Holidays Nil
- Should there be a requirement to undertake foundation or other piling on site, it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs; Saturday 09:30 – 13:00 hrs; Sunday and Public Holidays Nil
- No development shall commence until a scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before any of the dwellings are occupied.
- In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The applicant submitted a Phase I preliminary risk assessment for contaminated land, which recommends a Phase II site investigation. As such, and in accordance with the NPPF, recommend that conditions are imposed to secure a Phase II investigation.
- No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the

approved dust suppression measures being maintained fully functional for the duration of the construction phase.

## **Education**

- There are 9 primary schools within the 2 mile distance considered by the Council to be within the catchment. Education department information indicates that whilst there is currently some capacity in these local schools, by 2015 the Council is expecting there to be 26 more pupils than places available at these schools.
- The proposal will have a material impact upon education provision in the locality. In the primary sector this will result in a need for provision for 6 additional pupils.

The contribution being sought for primary provision is  $6 \times 11,919 \times 0.91 = \text{£}65,078$

Within the Secondary sector the proposal will generate 5 Secondary Aged pupils. Education Department calculations indicate that there will be sufficient capacity in the local secondary school to accommodate the secondary aged pupils which will be generated.

## **Ecology**

No evidence of roosting barn owls has been recorded at any of the trees around the site and no owls have been recorded during the various surveys undertaken. Therefore I advise that based on the information currently available the proposed developments are unlikely to have a significant impact upon barn owls.

Updated Ecological Surveys have been submitted during the course of the application. The Ecologist has considered the further information and raised no objection subject to conditions.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Congleton Town Council object to this application and recommend that Cheshire East Council refuse the application on the following grounds:

- Long term traffic issues created by an estimated extra 320 vehicle journeys entering and leaving the estate on a daily basis. The entrance to the estate next to the Wellspring church can already be inaccessible at times due to hospital workers parking on one side.
- Increased traffic volume on Canal Street. This road is not suitable for heavier traffic flow due to its two narrower road sections heading towards the town centre creating pinch points.
- Concern at safety of pedestrians on Canal Road due to the extremely narrow pavement alongside Burns Garage and the likelihood of more accidents occurring.
- Impact on flora, fauna and wildlife in the area

## OTHER REPRESENTATIONS

112 Letters and emails of objection have been received, full copies of which can be seen on the application file, many of these comments have also been applied by the same respondent to application 12/3025C, although some are specific to this application. The following points are made:

### Principle

- Loss of green field
- Loss of grade 3 agricultural land
- The houses are not needed. Many empty houses which need to be filled first
- Hundreds of houses are for sale, there is no need for more
- People are struggling to sell houses/get mortgages in the current economic climate
- Any shortfall can be met by the Brownfield sites
- East Cheshire should not be bullied into speculative development by ill thought out government targets
- Needs of the elderly should be the priority, not executive homes
- Development site 'F' (Congleton Town Strategy) is a Low Priority Development Area . Areas A-E in the Strategy should be developed first and F should be released after these areas have been developed. The sites closer to that proposed link road would be more suitable for development.
- New dwellings in Congleton would be better placed in the northern sections of the town – where the Congleton Strategy seeks to direct growth together with the proposed bypass
- Not in line with the interim policy on the release of housing land
- The site is not as sustainable as the Application suggests
- Why should residents be punished for the lack of a local plan being in place
- This planning application is developer-led. It lacks the management and co- ordination that plan-led developments would offer and which are needed for Congleton's growth.

### Highways

- Both Seddons applications are too large to be supported by the road network without a massive investment in infrastructure. All recent developments filter onto Canal Road. This will worsen an already bad situation
- The developments that have been approved in the area and this application will result in 200,000 traffic movements on Canal Road
- 71 dwellings have been developed in the local area – all using Canal Road
- The footpath on Canal Road has pinch points where it is already very narrow and difficult for pedestrians, especially those with pushchairs, wheelchairs – the added traffic will worsen this
- Existing visibility from the Moorings to Canal Road is inadequate
- Increase in traffic on Canal Road
- No further developments should not take place until Canal Road/Canal Street are brought up to modern traffic and pedestrian requirements.



- Pedestrian safety on Canal Road. Pedestrians have already been hit by passing vehicles wing mirror due to lack of pavement width and any increase in traffic will add to the congestion
- Pedestrian safety within the existing estate will be compromised by the additional traffic generated
- Construction traffic will have to enter and exit from the town centre thereby creating more traffic problems for an extended period of time.
- The site is in the wrong position for future growth

#### Infrastructure

- Schools can not cope
- There is no employment in the Town and residents will work elsewhere
- Increase in demand on drainage and sewage infrastructure in an area which has had problems with such issues in the past
- Increased surface water run off could lead to town centre flooding

#### Loss of Open Countryside

- Loss of countryside view
- The land should be protected for future generations, once built upon it would be lost forever.
- Valuable green finger into the centre of Congleton
- Impact on protected trees and removal of hedgerows

#### Amenity

- The development would have a negative impact on the quality of life of the existing populations
- Overlooking from new houses to existing houses
- Quality of life will be severely affected during construction
- Impact of scheme on landscape character has not been adequately assessed by the Applicant

#### Ecology

- The area is rich in ecology and protected species and other species such as frogs/toads/pheasants and partridges which are not protected but this area forms their habitat
- There are bats, barn owls, buzzards, badgers, foxes, Pipistrelle Bats and nesting birds which are all protected.
- Great crested newts are known to be within the general area . they could well be living in these fields as well. The Council should investigate this possibility.
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- The area has established protected trees and hedgerows. They should be protected as part of the bio-diversity of the whole site - to cut a swathe of trees and hedgerows such as these would be a travesty.

- The land is immediately adjacent to the Congleton wildlife corridor and increasing housing in this area will have a devastating effect on that population

#### Drainage and Flooding

The has been serious flooding down Canal Road in the past. How can the system cope with the addition demands to be placed upon it?

#### Other matters

- Congleton War Memorial Hospital is not a full medical centre and is incorrectly assessed as part of the application
- Application Information is misleading

### **APPLICANT'S SUPPORTING INFORMATION:**

- Waste Management Plan
- Utilities Statement
- Geo-Environmental Statement
- Flood Risk Assessment
- Development Concept Plan
- Design and Access Statement
- Transport Assessment
- Section 106 Heads Of Terms
- Agricultural Land Classification Assessment
- Affordable Housing Statement
- Planning Statement
- Ecological Surveys including confidential material pertaining to badgers, bat report, barn owl report
- Tree Survey
- Statement of Community Involvement

Copies of these documents can be viewed on the application file.

### **OFFICER APPRAISAL**

#### **Main Issues**

Given that the application is submitted in outline form with only the access points being applied for, the main issues in the consideration of this application are the suitability of the site, for residential development having regard to matters of planning policy and housing land supply and the sustainability of the location, affordable housing, highway safety and traffic generation, landscape impact, hedge and tree matters, ecology, amenity, open space and drainage.

#### **Principle of Development.**

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of these categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23<sup>rd</sup> March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15<sup>th</sup> June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

*“The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy”.*

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government’s overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012.

The SHLAA has put forward a figure of 3.94 years housing land supply.

The SHLAA 2010, identifies the site as part of a larger site with capacity of up to 120 units, as a *“Greenfield site on edge of settlement, considered to be sustainably located”*. It also states that it is a suitable site, with policy change. In addition the site is also described as available, achievable and developable (in years 6-10 onwards).

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30<sup>th</sup> May 2012, these circumstances do not apply to Cheshire East.

Accordingly once the 5% buffer as required by the NPPF is added, the Borough has an identified deliverable housing supply of 3.75 years. With respect to the housing supply within Congleton specifically, there has been a low number of completions in the town of 346 units in the last 5 years, which equates to 69 units per annum. There is also a low level of commitments – currently there are full planning permissions for 147 net dwellings. There are outline permissions for 13 net dwellings, and on sites under construction there are 243 net dwellings remaining. There are also 149 dwellings subject to a S106 agreement.

The NPPF clearly states at paragraph 49 that:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

The forthcoming Cheshire East Local Plan will set new housing numbers for the area and identify sufficient land and areas of growth to meet that requirement up to 2030. The Submission Draft Core Strategy will be published for consultation in the spring of 2013. However, in order that housing land supply is improved in the meantime, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy allows for the release of

appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

In September 2012 Congleton Town Council approved the final version of the Congleton town Strategy. This advocated that priority should be given to developing sites on the north side of Congleton that would support and facilitate the northern link road. This application forms part of a wider site identified as having a potential housing development for circa 300 houses (Area F) during the preceding Town Strategy Consultation. However the stakeholder Panel identified that priority should be given to those sites (Areas A,B,C,D) that contribute to the delivery of the northern relief road.

Members should also be aware of the recent appeal decision at Loachbrook Farm Congleton. In this case the inspector gave significant weight to the lack of a 5-year housing land supply and approved the development for up to 200 dwellings. In the Inspectors view, the site which is within the open countryside and a departure from the Local Plan, would harm the character and appearance of the countryside and would result in the loss of the best and most versatile agricultural land. However, the Inspector found that these issues were outweighed by the need to secure a 5-year supply of deliverable housing land that would also contribute to providing affordable and low cost housing.

In terms of prematurity the Inspector found that it would not be premature or prejudice the development of other sites. However the Council is now challenging this decision via the high court and a decision on the case is still awaited. Equally decisions are awaited on appeals in Sandbach which also raise vital issues of prematurity.

In this case however a clear distinction can be drawn between those appeal proposals and the present application. Those applications relate to sites of a scale, nature and location such that they might be considered strategic development sites and thus could influence the future pattern of growth of a town. The same cannot be said of the current proposal, even when considered in conjunction with application 12/3025C, (reported elsewhere) which is much more modest in its scale, scope and impact.

From the above, it can be concluded that:

- The Council does not have a five year supply of housing – and the presumption in favour of sustainable development should apply.
- The site is considered to be available, suitable and achievable
- The Cuddington Appeal in Cheshire West and Chester plus others else where in the country indicate that significant weight can be applied to housing supply arguments .
- The NPPF is clear that, where a Council does not have a five year housing land supply, its housing supply relevant policies cannot be considered up to date. Where policies are out of date planning permission should be granted unless:
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*

- *specific policies in the Framework indicate development should be restricted.”*

There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions which form a much larger incursion of built development into the surrounding open countryside.

In the light of these decisions and the primacy of the NPPF in the light of the lack of a 5 year housing land supply, it is considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.

### **Location of the site**

The site is part of a larger site which is considered to be sustainable by the SHLAA. To aid the assessment as to whether this site comprises sustainable development, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. However, as stated previously, these are just guidelines and are not part of the development plan.

The toolkit sets maximum distances between the development and local amenities. These comprise of everyday services that a future inhabitant would call upon on a regular basis, these are:

- a local shop (500m),
- post box (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),
- bus stop (500m)
- railway station (2000m).

In this case the development meets the standards in the following areas:

- post box (440m), Daven Road
- bank / cash point (720m) (High Street)
- primary school (400m), (Daven Primary School)
- Railway Station (1100m) (Congleton Station)
- public house (600m), Wharf Inn
- public park / village green (700m), Congleton Community Garden
- railway station (1400m).
- bus stop (400m) Canal; Road
- Public Open Space (250m) St Peters Road
- Pharmacy (850m) Park Lane
- local meeting place / community centre (350m), (Wellspring Methodist Church)
- medical centre (960m) Lawton House Surgery on Bromley Road
- post office (980m), Mill Street
- leisure facilities (1000m), Congleton Leisure Centre
- playground/amenity area 620m (Thames Close)

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. This is one such amenity :

- a local shop selling food or fresh groceries (810m) Canal Road

In summary, whilst the site does not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

Notwithstanding neighbours challenge to whether the War Memorial Hospital can be considered to be a medical centre, all of the services and amenities listed within the checklist are accommodated within the town centre and are accessible to the proposed development on foot via Canal Road and therefore it is considered that this small scale site is sustainable within the context of the Checklist Guidance.

Overall, it is concluded that the site is sustainably located and the presumption in favour of sustainable development in the light of Paragraph 49 of the NPPF should apply.

The application turns, therefore, on whether there are any **significant** and **demonstrable** adverse effects, that indicate that the presumption in favour of the development should not apply; this is considered in more detail below.

## **Affordable Housing**

The Affordable Housing IPS states that on all sites over 15 units the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure.

If the maximum number of 40 units as applied for were to be built on this site, this equates to a requirement of 12 affordable units in total on this site, split as 8 units for social or affordable rent and 4 for intermediate tenure.

The SHMA 2010 shows that for Congleton there is a net requirement for 33 new affordable units per year, this is made up of 7 x 1 beds, 3 x 3 beds, 13 x 4/5 beds and 15 x 1/2 bed older persons accommodation. The SHMA identified an over supply of 5 x 2 bed properties which is why their total net requirement is 33 new units per year.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East, there are currently 452 applicants on the housing register who require properties in Congleton or Congleton Town Centre, the number of bedrooms these applicants need are 175 x 1 beds, 142 x 2 beds, 70 x 3 beds and 6 x 4 beds. 59 applicants have not specified the number of bedrooms required. 109 of the applicants who require a 1 bed and 42 applicants who require a 2 bed have indicated they would consider a flat.

All the Affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and not be segregated in discrete or peripheral areas. As this application is an outline application, Housing Officers are unable to comment on these aspects or in detail about the affordable housing provisions required. Nevertheless, they request that the applicant submits details of their proposed affordable housing scheme at the first reserved matters stage the details of the affordable housing scheme should include the mix of unit types and how these meet the required tenure split of 65% rented affordable units and 35% intermediate tenure units.

The applicant's preference is that the affordable housing is secured by way of the Planning Inspectorates model condition on affordable housing. The Applicant cites the Loachbrook Farm decision as justification for this.

It is the Council's preference that the affordable housing is secured by way of a S106 agreement, which requires the developer to transfer any rented affordable units to a Housing Association and includes the requirement for the affordable house scheme to be submitted at reserved matters and also includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Council's allocations policy. This is in accordance with the Affordable Housing IPS which states that

*"the Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)"*

It also goes on to state that

*"in all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an*



*obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996”*

### **Loss of Agricultural Land**

The applicant has submitted an agricultural land classification study which concludes that the proposal would involve the loss of 0.4 hectares of Grade 3A land (25% of the site) whilst the remainder of the site comprises Grade 3B.

Policy NR8 of the Local Plan states that proposals which involve the use of the best and most versatile agricultural land (grades 1, 2 and 3a based on the ministry of agriculture fisheries and food land classification) for any form of irreversible development not associated with agriculture will only be permitted where all of a number of criteria are satisfied.

These are where there is need for the development in the local plan, the development cannot be accommodated on land of lower agricultural quality and does not break up viable agricultural holdings

There is also guidance contained within the NPPF which states at paragraph 112 that:

*‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality’*

The area of high quality farmable land is not significant, measuring only 0.4 ha. At present, the site is used for sheep grazing by a tenant farmer, who will relocate to other agricultural land within the vicinity. Although the Applicant has been asked where this is to be, no further information has been received.

The remaining portion is of poorer quality. Due to its limited size and the existing site constraints separated from the larger open fields by mature trees and hedgerows, the cemetery and golf course and Lamberts Lane), it does not offer a significant contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity (0.4hect) of Grade 3A agricultural land, the loss would not be ‘significant’ and would not outweigh the benefits that would come from delivering this small scale development and assisting with the Council’s housing land supply situation helping to relive pressure on less sustainable and preferential Greenfield sites elsewhere.

The lack of a 5 year housing land supply would outweigh the loss of agricultural land on this site and a reason for refusal could not be sustained on these grounds. This is supported by a recent decision made by the Secretary of State at Bishop’s Cleeve, Gloucestershire where two developments (one of up to 450 homes and another of up to 550 dwellings) were approved outside the settlement boundary with one being located on the best and most versatile

agricultural land and the recent decision at Loachbrook Farm, Congleton which comprised a significantly larger development area (over 10hectares) of Grade 2 and 3a land.

At Loachbrook Farm, the Inspector considered that the 3500 additional houses to be provided in Congleton by 2030, as indicated the emerging Core Strategy (as being the Councils preferred sites for future development) and categorised as being developable by the SHLAA involved a preponderance of the best quality agricultural land in the area. The Inspector concluded that the loss of the agricultural land carried neutral weight, given that other preferred sites would involve a similar loss of the best agricultural land around the Congleton area.

### **Highway Safety and Traffic Generation.**

Access is being formally applied for with this application. This is to be via the existing highway network within the Moorings.

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.

Paragraph 32 of the National Planning Policy framework states that:-

*'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;*

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Transport Statement considers the accessibility of the site in terms of a choice of means of transport, including cycling, proximity to public transport facilities and walking and concludes that the site is highly accessible. With the additional infrastructure improvements proposed as part of this scheme, in the form of the right turn lane into the site from Canal Road, and the proposed link into the Lamberts Lane cycleway from within this site.

The Transport Statement (TS) confirms that the development peak hour two way flows even in the busiest hour of the day would be around 30 vehicles. This equates to one additional two way trip every two minutes even at the busiest period of the day. This level of traffic is be considered as imperceptible within the context of the traffic flow to this site.

The existing road layouts were originally designed to enable further development to take place and the Moorings comprise highways of 5.5m width with 2m pavements. As such there are no design or capacity reasons why 40 units cannot take place in either highway capacity or safety terms. The junction with Canal Road is of a reasonable standard and provides adequate visibility to meet standards.

The most common concern expressed within the comments received as part of the neighbour consultation process is whether Canal Road can accommodate any further development feeding onto it, having specific concern about the safety of the pedestrian environment on Canal Road. Much comment is made about existing deficiencies in the pavement width outside Burns Garage, referred to as a pinch point. The Strategic Highways Manager accepts these points but concludes that these are existing deficiencies to which this proposal would not make any worse.

It should also be noted that the applicant has offered to undertake a number of improvements within Canal Road, such as a pedestrian refuge within the right turn lane into the site and another pedestrian refuge on High Street, the Provision of formal kerbed 'build-outs' to improve pedestrian safety.

Canal Road is a major road within Congleton that not only links with Leek Road at the A527 but serves an existing mixture of both residential and commercial development. Whilst, there are points on Canal where the footways are narrow these are deficiencies in the existing road infrastructure and it has to be considered whether these developments have such impact that it warrants objection. The sites can be accessed by foot and also by public transport and is not far from Congleton town centre and the location is well within national guidance distances for accessing non car mode services. The Highways Manager concludes that the site is located in a sustainable location.

The Strategic Highways Manager has considered the Transport Statement submitted with the application and considered the objections raised by respondents very carefully and reached the conclusion that the level of traffic generation which could be attributable to up to 40 additional dwellings does not produce a level of trips that can be considered material given the background traffic flows. Although it is accepted that Canal Road is busy especially as it enters the town centre, no over-capacity issues arise as a direct result of this application (either when considered in isolation or in conjunction with the Applicant's other planning application for a similar development on this Agenda).

The applicant however, having noted the concern of the Town Council in this regard, has submitted a scheme to change the priority at the junction with the High Street that gives northbound traffic on Albert Place priority thereby reducing any queuing travelling north into the town centre.

There are sections of footway that are narrow on Canal Road and these cannot be widening as the carriageway width in that section of road would be compromised as would the Conservation Area. However, there is a minimal footway width available and this does allow pedestrians to walk without needing to use the carriageway, whilst this situation is not ideal, in the light of the guidance within Para 32 of the NPPF about only refusing development on

highways grounds where the cumulative impacts are severe, the Highways manager could not recommendation refusal on this issue.

Overall, with the improvements put forward by the Applicant to Canal Road, which includes the provision of a pedestrian refuge in the right turn lane at the main site access with Canal Road would be an improvement to the existing situation for people living on this estate.

The Applicant's Highways Consultants has put forward a number of suggested alterations to the High Street which do not tie in with the Congleton Public Realm Strategy. In many respects the mitigation as put forward is highly engineered and fails to address the Public Realm in a sympathetic manner, however, a S106 commuted sum payment has been put forward by the Applicant as mitigation for the town centre. This is offered as a Public Realm Contribution and is reasonably related to the development and is acceptable to the Highways Engineer.

### **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. The submitted Flood Risk assessment (FRA) models the risk of flooding from the site as being very low (1 in 1000 years) and concludes that the risk posed to the site of flooding is very low.

Upstream sewers are located on the adjacent estate road, which appear to have been designed to accommodate further flows from this site in conjunction with foul flows in the separate foul sewer.

In terms of surface water drainage the FRA identifies Sustainable Drainage Options (SUDS) will be used and that the detailed design of this would be agreed at the detailed design stage in consultation with the Environment Agency and the Local Planning Authority.

The Environment Agency have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

### **Layout and design**

The housing estate to the east of the site is characterised by rising streets which hits a plateau when it reaches the application site and thereafter is gently undulated until it starts to fall away. The landscape of the area is considered to be the priority consideration in the overall design of this site. The south west and eastern boundary are indicated to be Informal Open Space and an area of formal open space are provided indicatively which could be enhanced in the final layout to address other issues such as ecology. It is stated that protect trees and hedgerows will be retained

Scale parameters are submitted with zones of 2 and 2 and ½ storey dwelling indicated within the central portion of the site, enclosed with areas of Public Open Space, of up to 2 and a half storey's as the site falls away.

Although layout, external appearance and design are also reserved matters and the proposal seeks permission for up to 40 units, it is considered that an appropriate design and layout can be achieved whilst ensuring that the landscape is the primary influence. The existing design of the residential estate to the immediate north of the site is not considered to be the benchmark for this development. It is important that the rural fringe location is the primary focal point for this scheme and this can only be achieved by a design coding condition.

## **Amenity**

The Environmental Health Officer has requested a condition in relation to noise during construction, pile driving and contaminated land. These conditions will be attached to the planning permission.

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

The layout and design of the site are reserved matters. However, the indicative layout demonstrates that up to 40 dwellings could reasonably be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings. It also illustrates that the same standards can be achieved between proposed dwellings within the new estate.

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

## **Landscape Impact and trees/hedgerows**

The site is currently agricultural land located immediately adjacent to a residential area. An electricity pylon traverses the site. There are well established hedgerows and tree belts/woodland to several of the boundaries. A number of mature hedgerows and trees are located around the periphery of the site. The land falls away from north to south.

The site lies within the open countryside and is governed by Policy PS8 of the Congleton Local Plan. This seeks to restrict development within the countryside apart from a few limited categories. One of the Core Planning Principles of the NPPF is to *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it"*.

Policy PS8 accords with the NPPF desire to recognize the intrinsic character of the countryside. The application, by developing and hence eroding an area of open countryside conflicts with Local Plan Policy PS8.

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 its boundaries and is in agricultural use. The application information indicates that all protected trees within and on the perimeter of the site will be retained, and that all unprotected trees will be retained as far as the indicative Masterplan allows. The existing vegetation and trees provide an attractive setting and the site is strongly influenced by these.

The site is strongly influenced by the existing boundary hedgerows and trees, so that visually the site is very well self contained with a Landscape Zone of Visual Influence that is limited to the existing surrounding boundaries and residential properties to the east of the site.

The Congleton Borough Council (Canal Road, Congleton) Tree Preservation Order 1986 affords protection to a number of selected Oak and Sycamore trees within existing field hedgerow boundary enclosures.

### **Tree comments**

Although an outline application, in principle, the illustrative layout suggests that a form of layout could be achieved that would allow for the retention of the majority of the peripheral hedgerows and important trees (other than to accommodate the main access points) and would allow for landscape and biodiversity enhancement measures which are welcomed.

Whilst footpath connectivity is proposed throughout the site to adjacent footpaths, it would be important to ensure that the routes did not compromise ecologically valuable habitats.

### **Ecology**

The application has been the subject of a number of series 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 Councils Ecologist.

It is the Councils Ecologists advice that;

### **Habitats**

The site also exhibits features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows, badger habitat and breeding birds.

### Badgers

The level of additional survey work undertaken by the Applicant is acceptable. It is clear that the additional land located between the two proposed development sites has been subject to an acceptable level of survey.

The Ecologist is satisfied that the proposed development will not lead to a significant loss of badger foraging habitat. The supporting information submitted by the Applicant will adequately mitigate for any adverse impact of the development upon the identified badger sett. However as the application is outline a condition would be appropriate to ensure that any reserved matter application is supported by an updated badger survey and a revised/updated mitigation strategy.

### Barn owls

Whilst barn owls have been reported as being active near this site by local residents there is currently no conclusive evidence of barn owls roosting/breeding on site and the grasslands on site provide very limited foraging opportunities for this species. A barn owl report has been submitted as part of the application and the Ecologist is satisfied that it is unlikely that the proposed development would have a significant adverse impact on barn owls.

### Bats

No evidence of roosting bats was recorded during the submitted survey and bat activity on site appears to be low. The ecologist is of the opinion that the proposed development is unlikely to have a significant adverse impact upon bats. However, any reserved matters application should aim to retain the existing trees and hedgerows to preserve the available bat habitat.

### Hedgerows

Hedgerows are a biodiversity action plan priority habitat and hence a material consideration. The submitted indicative layout will result in the loss of some of the existing hedgerows on site. If planning consent is granted a condition is necessary to ensure that the loss of hedgerow is compensated for through the planting of new native species hedgerows.

### Breeding Birds

If planning consent is granted conditions will be required to safeguard breeding birds and to ensure additional provision is made for breeding birds and roosting bats.

The Council's ecologist advises that, if planning consent is granted, the submitted mitigation/compensation is broadly acceptable. However, given that the application is outline only, a number of conditions are recommended to ensure that the recommendations of the submitted report are incorporated into any future reserved matters application. Subject to these recommendations being carried out, the favorable conservation status of the species will be maintained.

## **Education Infrastructure**

In terms of primary schools, There are 9 primary schools within the 2 mile distance considered by the Council to be capable of serving this development. Whilst there is currently some capacity in these local schools, by 2015 the Council is expecting there to be

26 more pupils than places available at these schools. In light of this the will require a sum for every primary aged pupil generated of  $6 \times 11,919 \times 0.91 =$  towards primary provision. This development, if fully developed up to the 40 units a proposed would generate an additional pupil yield of 6 pupils.

As there is a capacity issue at the local primary schools, the education department have requested a contribution of £65,078 towards enhancing the capacity. This has been agreed by the applicant and would form part of the S106 Agreement should this application

The Council's Education Officer has examined the application and concluded that there is sufficient existing capacity within local secondary schools to absorb the predicted pupil yield from the development. Consequently, no contributions towards education provision will be required in this instance.

## **Renewable Energy**

The Applicant has submitted a Sustainability Statement in support of the application, which amongst other things, makes a commitment to develop a scheme which exceeds the requirements of the Building Regulations with respect to energy efficiency. It is also considered that the physical characteristics of the site is that buildings can be arranged within the site to maximise solar efficiency and to achieve a development that allows for a choice of means of transport to be used by future occupiers.

However, it is a requirement within RSS Policy EM17 for all development to incorporate on-site renewable energy technologies. As this application is in outline form with all matters reserved except for access, no details of renewable energy proposals have been submitted. Accordingly, it is necessary to impose a condition to require a renewable energy scheme to be submitted at the Reserved Matters stage, and subsequently implemented

## **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 development would result in increased demand for school places at the primary schools within the catchment area which have very limited spare capacity. In order to increase capacity of the schools which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, affordable housing, POS and children's play space would help to make the development sustainable and is a requirement of the Interim



Planning Policy, local plan policies and the NPPF. It is directly related to the development and is fair and reasonable.

## CONCLUSIONS

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is “absent, silent or relevant policies are out of date” planning permission should be granted unless

*“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

Or

*“specific policies in this Framework indicate development should be restricted.”*

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Other policies however are considered to be in line with NPPF advice.

The boost to housing supply is considered to be an important benefit – and this application achieves this in the context of a smaller, non strategic land release attached to an existing estate.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and will be required to provide for highway works to improve the pedestrian environment on Canal Road/Canal Street

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is no significant failure to meet these and all such facilities are accessible to the site. The improvements to the Canal Road pedestrian environment will encourage more walking. The development is therefore deemed to be sustainable.

Whilst the proposal will result in the loss of some grade 3a agricultural land, this is not a significant part of the site and the site is main 3b land the best and most versatile agricultural land and it is considered that the benefits of the delivering the site for much needed housing would outweigh this loss. Much of the sites identified within the SHLAA would also result in the loss of the better grades of agricultural land.

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network it is not sufficient to warrant refusal of the application as the additional movements generated will not be significant.

In a negative sense, however, the housing will be built on open countryside contrary to the provisions of Policy PS8 of the Local Plan. Although the proposal will not have a significant impact on the landscape character of the area given the impact upon the area of the existing housing development will to some extent be screened by the existing topography of the site and the rather than a large scale intrusion into the open countryside, this remains an important adverse impact.

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan on Countryside and the loss of agricultural land are outweighed by the benefits of the proposal in terms of residential provision and the provision of affordable housing. Given the scale and location of the development, its relationship to the urban area and its proximity to other services, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

## **RECOMMENDATION**

### **APPROVE subject to a Section 106 Legal Agreement to Secure:**

- Amenity green space contribution for on site provision:

Maintenance: £ 11,352.00

Children and Young Persons Provision,

Enhanced Provision: £ 8,790.72  
Maintenance: £ 28, 656.00

- Education Contribution in lieu of primary provision of £65,078 (based on 40 units)
- 12 affordable units in total (or 30% of total), split as (65%) or 8 units for social or affordable rent and 35% or 4 for intermediate tenure
- Contribution to Congleton Public Realm Strategy of £30,000

### **And the following conditions**

- 1. Commencement – within 1 years of reserved matters**
- 2. Submission of reserved matters (all matter other than access) within 18 months or 12 months after the last reserved matter (whichever is later)**
- 3. Plans**

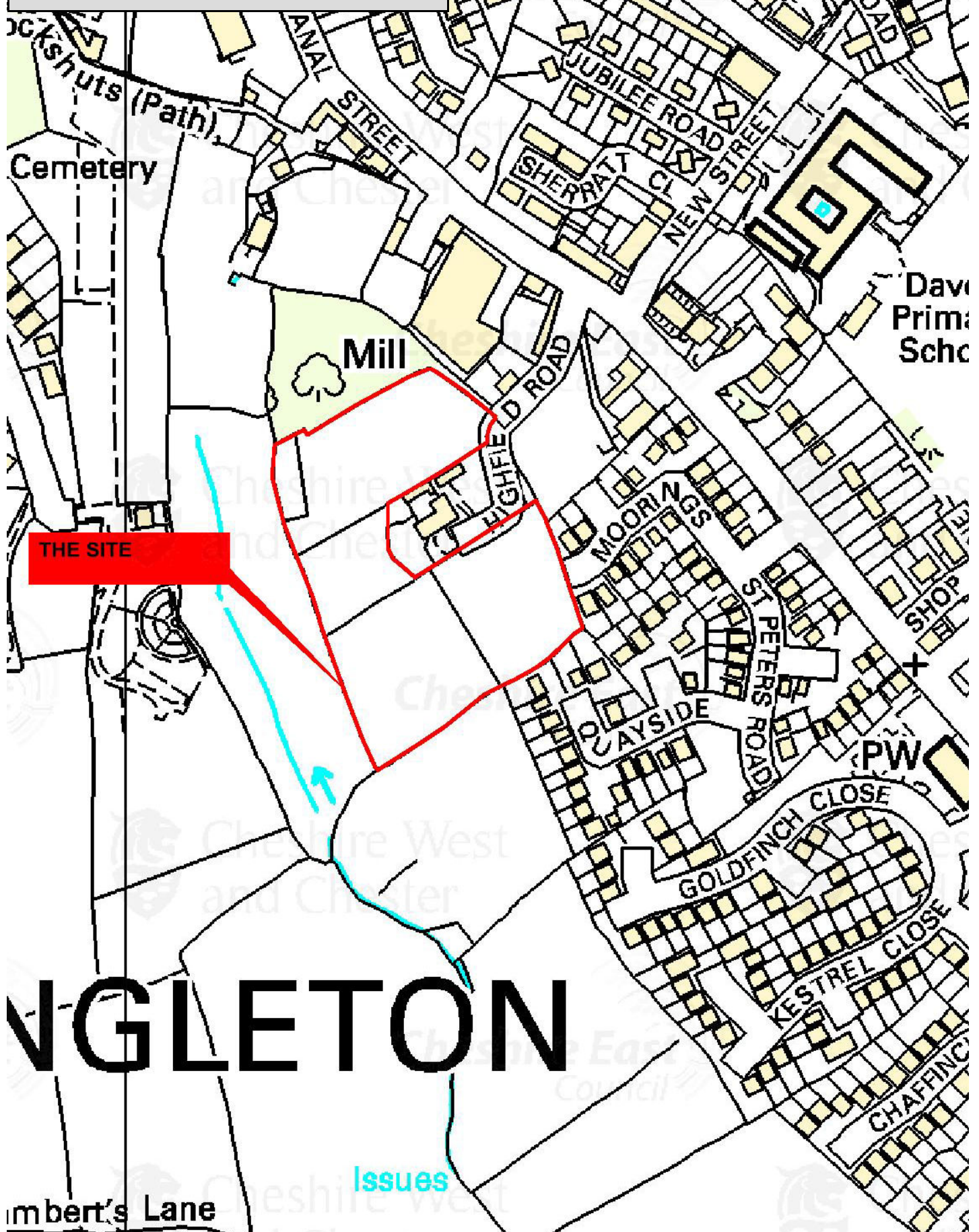
4. Reserved matters to include design coding in accordance
5. Tree and hedgerow protection measures
6. Arboricultural Method statement
7. Landscape maintenance and management
8. Boundary treatments to be submitted with reserved matters
9. Reserved matters to make provision for habitat creation within indicative areas of open space
10. Breeding Bird Survey for works in nesting season
11. Bats and bird boxes
12. Updated badger survey and method statement prior to commencement
13. Reserved matters to include details of 10% renewable energy provision
14. Submission of a scheme to limit the surface water run-off generated by the proposed development,
15. Reserved matters to make provision for containing any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided.
16. Submission of a scheme of Sustainable Urban Drainage
17. Submission of a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the Local Planning Authority.
18. This site must be drained on a separate system, with only foul drainage connected into the public foul sewerage system.
19. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
20. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
21. Submission of scheme to minimise dust emissions arising from construction activities on the site
22. Submission of a Contaminated Land Phase II investigation.
23. Submission of Construction Management Plan
24. Right turn lane/Pedestrian refuge Canal Rd into to be provided prior to 1<sup>st</sup> occupation
25. The reserved matters application submitted pursuant to this outline planning permission shall provide a feasibility study, framework and schedule to improve pedestrian and cycling links between the site and Lamberts Lane
26. Landscaping to include replacement hedge planting
27. Arboricultural Impact Assessment and Tree Protection Plan to form part of the reserved matters
28. Implementation of a programme of archaeological work in accordance with a written scheme of investigation
29. Reserved matters to incorporate existing and proposed levels and boundary treatments
30. Reserved matters to incorporate design coding

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development

Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not

except the substantive nature of the Committee's decision.

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**STRATEGIC PLANNING BOARD – 5/11/ 2012**

**UPDATE TO AGENDA**

**APPLICATION NO: 12/3028C**

**LOCATION: LAND AT THE MOORINGS CONGLETON**

**UPDATE PREPARED 3 DECEMBER 2012**

**PROCEDURAL**

In the period between the SPB Agenda being published and this update being prepared, the applicants have appealed against non-determination of this application. In such cases the matter is now taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

**APPLICANTS FURTHER INFORMATION**

The Applicant wishes to confirm that they accept the provision of affordable housing by S106 Agreement rather than condition and have provided Heads of Terms to this effect.

**RECOMMENDATION**

The recommendation is amended to 'minded to approve subject to the satisfactory completion of a S106 Agreement'