

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of Meeting: 29 July 2015
Report of: David Malcolm – Head of Planning (Regulation)
Title: 13/3571C LAND WEST OF GOLDFINCH CLOSE,
CONGLETON

1.0 Purpose of Report

- 1.1 To consider the withdrawal of the reasons for refusal relating to full planning application 13/3517C for the erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure

2.0 Decision Required

- 2.1 To agree to the withdrawal of all of the reasons for refusal and not to offer any evidence at the forthcoming public inquiry and invite the Inspector to allow the Appeal subject to legal agreement and conditions as detailed.

3.0 Background

- 3.1 On the 13 May 2014, Strategic Planning Board considered an outline application for erection of up to 230 dwellings, access, open space and associated landscaping and infrastructure. On 18 February 2015 the reasons for refusal were amended to reflect the Council's current position in respect of Housing Land supply and that aspect was removed.

- 3.2 The application was therefore refused for the following reasons:

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the emerging Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance.

2. The proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is inefficient and contrary to Policy

SE2 of the emerging Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.

3. The proposed residential development, by virtue of the adverse impact that the proposals would have on the local landscape character within a historic finger of countryside close to the town centre and failing to recognise the intrinsic character and beauty of this site is contrary to Policies GR5, GR3 of the Congleton Borough Adopted Local Plan First Review 2005 and policies SE4, SE5 and SE6 of the emerging Cheshire East Local Plan Strategy – Submission Version and the provisions of Paragraph 17 of the National Planning Policy Framework.

4. The proposal, by virtue of the increased activity and traffic would lead to severe highways harm, at the junction of High Street/Lawton Street and Albert Place where no further capacity exists, furthermore insufficient information concerning mitigation for impacts elsewhere upon the network has been submitted. Accordingly the proposal would be detrimental to the safe operation of the public highway contrary to Policies GR9 of the adopted Congleton Borough Local Plan First Review 2005, result in severe harm contrary to Paragraph 32 of the NPPF and contrary to Policy CO1 of the Cheshire East Local Plan Strategy – Submission Version.

- 3.3 The application is now the subject of an Appeal to be heard by means of Public Inquiry starting 9 September 2015.
- 3.4 However, since the time of the original application further discussions have been on-going with the applicant on the back of a resubmitted planning application (14/4938C). The Highways Officer, the Urban Design Officer and Planning Officers have reconsidered their position in the light of amendments to the appeal scheme and mitigation for the proposed highway/public realm solution.
- 3.5 In addition further information and assessments have been submitted in respect of the landscape impact of the scheme, such that Landscape Officers are less concerned about the impact as part of the planning balance. These matters are examined in detail below.

Design / Public Realm

- 3.6 To address highways capacity and safety issues as a direct consequence of this development, a scheme of improvement has been put forward for improvements to the town centre public realm.
- 3.7 Lawton Street and High Street constitute most of the medieval core of Congleton. The area of the proposed highway works is situated within the Moody Street Conservation Area, which was reviewed in 2010 and a character appraisal and management plan prepared. The site of the works is also immediately outside the Town Hall, a grade II* listed

building. The street environment is especially important to how the listed building is viewed within the public realm, the approach to its main entrance and consequently acts as its civic foreground and therefore has a significant bearing upon the setting of the heritage asset.

3.8 In the summary of interest, the appraisal identifies the importance of the Town Hall and significant views along Lawton Street and High Street

3.9 The appraisal identifies in the section relating to problems, pressures and capacity for change that:

“A Congleton Town Centre Plan has been adopted as an interim document and will be developed and consulted on further over the coming months, with the aim of gaining Area Action Status.⁹ Proposals include improvements to the public realm, particularly shop fronts in parts of the current Conservation Area; improved public squares at the road junctions; and improvements and new walking routes to the green spaces identified within this document.”

In the summary of issues section, it identifies as one of the potential threats to the character of the Conservation Area

- *“ Work proposed within the Congleton Town Plan on the public realm which could diminish the area’s significance if carried out insensitively.”*

3.10 In respect to both the Conservation Area and the Town Hall, it is considered that the engineered character of the proposed highway works would be detrimental to their respective heritage significance. This would lead to harm that would be considered less than substantial in scale.

3.11 Para 132 of the NPPF requires that in considering impact on designated assets, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight. It advises that harm can result as a consequence of works to the heritage asset or development within its setting and that any harm or loss requires clear and convincing justification. Para 134, requires that where less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

3.12 A public realm strategy was produced by the Congleton Partnership, Cheshire East Council and the Town Council on behalf of the Congleton Community, both businesses and residents. This was adopted by the stakeholders in 2011.

3.13 As part of the public realm framework, it identifies the creation of a new public square in the location of the proposed highway works. This is

further set out in the Coding and Detailing section of the strategy under key projects, the text extract is provided below. It states:

“The High Street is an important traffic and bus route. As a result of that it will not be possible to pedestrianise the area. The area is currently dominated by traffic and has very narrow footpaths. A shared surface solution will enable the continued use of the route by vehicles while giving pedestrians a higher priority. This will create a more enjoyable and leisurely retail experience and emphasise the number of attractive buildings outlined in the conservation area appraisals.

The core of this scheme will focus on a new shared space in front of the town hall including Albert Place and Canal Street. The town hall will be linked with the pedestrians area through wider pavements. Street furniture, trees and cycle parking will create a vibrant retail area with a strong character. Parallel parking spaces and vehicle lanes with reinforced pavements allow for loading. This scheme will also contribute towards delivering the shopping and cultural circuit shown in Chapter 4.”

- 3.14 Whilst the public realm strategy is not a formal Supplementary Planning Document it still carries some material weight in the consideration of any proposals to changes to the public realm of the town centre. Although the information contained within it is a concept level of detail, it sets the vision for delivering the public realm strategy, which certainly did not envisage an engineered solution such as that being proposed.
- 3.15 Given initial objections on design grounds, discussions have since taken place with the applicant’s representatives, upon a solution that sought to address both highway and urban design concerns. In respect to both conservation and public realm design, this was a compromise upon the shared surface solution as indicated in the public realm strategy, but one that, if appropriately specified and detailed, could still have achieved an acceptable solution in conservation and public realm design terms.
- 3.16 This did not satisfy the Strategic Highways manager, who objected to both the originally submitted engineered scheme and the revised urban realm scheme.
- 3.17 The engineered solution would have caused harm to the significance of the Town Hall and the Moody Street Conservation Area. It would significantly and unacceptably erode the objectives of the public realm strategy, which could set an unfortunate tone for compromising the implementation of the strategy in the future. Consequently, it was considered that such proposals would be contrary to both para 132 of the NPPF and policies in the Local Plan and also policy SE7 of the Local Plan Strategy Submission Version.
- 3.18 Consequently, this formed a reason for refusal of the previous application. However, further discussions have taken place and having regard to the

technical and safety considerations, it has been established that, based on current circumstances, it would not be possible to deliver a full shared surface approach in this area as advocated by the Public realm strategy.

- 3.19 In regard to the overall acceptability of the proposals in the context of their impact upon the character and appearance of the conservation area and the setting of the concentration of listed buildings in the area, there will be a requirement for a high specification in the finer detailing and the palette of materials, in order to preserve or enhance this setting. The ES suggests that these highway improvements will have benefits for the conservation area. It is considered that the impact to be neutral, but only if the palette of materials is appropriate in quality and detailing terms. If the palette of materials were not of this quality then it would erode the character and appearance of the conservation area and the setting of listed buildings in the area (in other words, a high quality and palette will compensate for a more engineered street form but also the increased vehicular activity in this part of the conservation area).
- 3.20 The approach set out would help to deliver the spirit of what the public realm strategy was aiming to achieve in this area – a character of streetscape more in tune with the historic setting and one that provided better and more attractive conditions for pedestrians.
- 3.21 The main principles can be summarised as follows:
- High quality natural stone materials for pavements
 - Natural stone (granite surfacing) for the road surface in front of the Town Hall
 - Creation of a natural stone shared surface area on Albert Place adjacent to the garden/park (where pavements are at their narrowest).
 - Entry thresholds in natural granite
 - Minimise signage and road markings
 - Keep kerb heights to a minimum and use natural stone, conservation kerbing
 - Blacktop for other sections of street, where natural stone is not advocated
- 3.22 On the basis of the principles and materials specification set out above, the objection on urban design/built heritage grounds would be overcome.

Highways

- 3.23 There are up to 230 dwellings proposed in this planning application, (although as part of the negotiations the Applicant has agreed to reduce the number to 220 which could be secured by condition). There are three points of access to the site taken from Goldfinch Close, Kestrel Close and the Moorings. Approval for residential development has already been granted at appeal for up to 80 units on the site which also uses the same points of access.

- 3.24 One of the key highways issues is to determine whether the proposed development will result in capacity problems on the road network and also whether the impact can be considered severe enough to warrant refusal of the application. A number of junctions have been assessed by the applicant and these can be seen below;
- Canal Road/Goldfinch Close Priority Junction
 - Albert Place/High Street/Lawton Street Priority Junction
 - A54 Mountbatten Way/Worrall Street/market Street signal controlled junction
 - A34 Rood Lane/Rood Hill/ A34 Clayton Bypass
 - A55/West Road/West street roundabout
 - A527 Biddulph Road/Leek Road/Read's Lane signal junction
- 3.25 Of the junctions tested, the main capacity and safety concern was the junction of the High Street and Albert Place where the existing junction layout would operate in excess of capacity with the development added. The applicant has submitted a revised junction proposal from that previously submitted and this proposes to change the priority so that Lawton Street would give way to traffic using High Street and Canal Road. There are also improvements to Chapel Street where the footways have been widened to provide pedestrians a shorter distance to cross the road. It is also proposed to improve the pinch point on Canal Road by slightly widening the footway and provide a raised table formal one-way working section of carriageway.
- 3.26 The change in priority at the junction fundamentally effects the capacity operation of the junction and where previously long queues would have been formed on Albert Place, the junction is predicted to operate within capacity even with the development added to the background traffic flows. There is an existing pinch point on Canal Road and the narrowing of the carriageway would not change this situation but does provide increased footway width through this section of road.
- 3.27 The Rood Hill/A34 junction has existing capacity problems and although the impact from this site would only have a small percentage increase in queues at the junction it would cumulatively add to the problems. As the Highway Authority have planned improvements to the Rood Hill/A34 junction as a result of the impact of other developments in Congleton, this application should provide a financial contribution of £143,789 towards the improvements at the junction and should be secured in the S106 Agreement.
- 3.28 There are three points of access proposed to the site, these being Goldfinch Close, Kestrel Close and The Moorings, these are existing cul-de-sacs but were designed technically to accommodate further development and the suitability of the accesses was given consideration by the Inspector at inquiry who considered them

acceptable. It is not considered that there are technical grounds to object to the application on the access points proposed.

- 3.29 The accessibility of the site has also been considered at the appeal where the Inspector considered that the site had a good level of accessibility, although this application is for a larger site it would not in my view result in a different conclusion being reached. The applicant has proposed additional bus stops on Canal Road in the vicinity of St Peters Close, these further facilities would help reduce walking distances to access bus services.
- 3.30 The Highway Authority recommended refusal previously as there was a major capacity impact at the High Street junction with Albert Place, as there would long queues forming on the Canal Road approach to the junction. However, as part of the on-going negotiations, the developer has proposed changes to the junction that in technical terms addresses the problem with capacity at the junction, the change in priority in flow reduces substantially the queues at the junction. There also has been a change proposed to the existing pinch point where the section of road has been traffic calmed and the width of footway available has been widened for the benefit of pedestrians. This section of carriageway still remains a concern despite the measures being put forward in mitigation but the assessment needs to take account of the NPPF that requires the cumulative impact to be severe. Given the measures proposed and the relatively short section of carriageway and footway that is below standard highways do not consider that a reason for refusal on the basis of a severe impact can no longer be sustained subject to the highway improvements as indicated on drawing number 0011.07 Rev A being secured by condition and implemented via a S278 Agreement. Additionally, a financial contribution of £143,789 secured to provide mitigation measures at the Rood Hill junction and a further condition for the applicant to provide two No. quality bus stops on Canal Road, these to be delivered by means of a S278 Agreement.

Landscape

- 3.31 As part of the application a Landscape and Visual Impact Assessment has been submitted, this indicates that it has been prepared in accordance with the 'Guidelines for Landscape and Visual Impact assessment' (GLVIA), Third Edition, 2013, Landscape institute and the Institute of Environmental Management and Assessment.
- 3.32 The application site is located to the south of the centre of Congleton at the very southern end of Howey Lane. To the east of the application site are the residential areas of The Moorings, Goldfinch Close and Kestrel Close, to the north and northwest are the residential properties located along Howey Hill, Tudor Way and Howey Lane. To the south the application site is bound by Lambert's Lane a bridleway track (Bridleway 1, Congleton), that emerges from Canal Road further to the east in the southern urban part of Congleton and crosses over the

Macclesfield Canal Conservation Area before finally emerging at Fol Hollow, just to the south of Astbury Mere to the west, a total distance of just under two kilometres; apart from a short section through the urban outskirts of Congleton to the east, almost the whole of the route is located in open countryside. Lambert's Lane also links into the wider footpath network that extends into the wider countryside.

- 3.33 To the west and south west of the application site is the wider open countryside of Cheshire, to the south of Lambert's Lane is Astbury Golf course. Lambert's Lane also marks the northern boundary of the Green belt to the south of Congleton.
- 3.34 The application includes a baseline description of the landscape context and character, this includes the national, regional and local character areas, namely the Lower Farms and Woods Brereton Heath Character Area (LFW2) and the Cheshire Plain in the Congleton Landscape Character Assessment of 1999. The assessment also offers commentary on the local site context, acknowledging that the site, along with fields to the west are identified in the Cheshire Historic Environment record as medieval town fields, and that many of the hedgerows within the site represent the remnants of this historic field pattern. All but three of the fifteen fields within the application site are currently still used for agricultural purposes.
- 3.35 The Council's Landscape Officer would agree with the submitted assessment that this is a landscape of medium sensitivity and that the trees and hedgerows within the site are also of medium sensitivity and that this landscape is principally viewed from the footpath network, by users deemed to be of high sensitivity. While he agrees that the change brought about by this development to the landscape character of the Brereton Heath Character Area as a whole will be negligible, he does not agree that the magnitude of change will be low for landscape character on and around the site. Consequently he feels that the significance of effect on the landscape character of the site and immediate area will be greater than identified in the assessment, and that it will in reality be greater than slight adverse.
- 3.36 With reference to landscape features, it is quite clear that the agricultural use of much of the application site will cease and that the historic hedgerow network of hedges will be altered in places and some sections will be removed, and although the proposals do include the provision of new landscape features the Landscape Officer feels that overall the effects on the landscape features will be adverse, rather than moderate beneficial for the existing features and field pattern.
- 3.37 With reference to the visual assessment, he would broadly agree with the construction effect for some of the receptors although he does feel it would be greater for a number of receptors. However he feels that the residual effects are over optimistic and that the residual visual effects would remain more adverse for most receptors.

- 3.38 The assessment identifies that Policy GR5 landscape is relevant to this application. Policy GR5 states that 'development will be permitted only where it respects or enhances the landscape character of the area' and notes the importance of such areas and that particular attention will be paid towards the protection of features that contribute to the setting of urban areas. It would appear that the predicted adverse impacts would also indicate that this application is contrary to Policy GR5, since it is agreed that there will be an adverse impact on landscape character and the proposals will also lessen the visual impact of landscape features when viewed from areas accessible to the public.
- 3.39 The Pre-Submission Core Strategy (November 2013) recognises in Policy SE4 the high quality of the built and natural environment is recognised as a significant characteristic of the Borough and that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.
- 3.40 The acknowledged landscape impact and visual effects are considered to be contrary to policy SE4 and weigh against the sustainability of the proposals in the overall planning balance.

Open Countryside and Agricultural Land

- 3.41 The site is located within the open countryside and therefore the development would be contrary to appropriate policies (Policy PS8) but this must be weighed in the context of the NPPF and the overall planning balance. Previous appeal decisions have not supported a refusal on such grounds unless there is an intrinsic value to the area of countryside in question.
- 3.42 Similarly, the loss of BMV agricultural land has seldom been seen as a reason for refusal. It is part of the planning balance but Inspectors on previous decisions have given in limited weight in that overall assessment.

4.0 Planning Balance and Conclusion.

- 4.1 The proposal is contrary to development plan policies PS8 (Open Countryside) and GR5 (Landscape) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.
- 4.2 The most important material consideration in this case is the NPPF which states at paragraph 49 that 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 and that where this is the case housing applications should be

considered in the context of the presumption in favour of sustainable development

- 4.3 It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).
- 4.4 In this case, the development would provide market and affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.
- 4.5 The proposed development would provide a safe access from the existing streets in Goldfinch Close and the Moorings. In terms of Ecology, the development would not have a detrimental impact upon the conservation status of protected species. There would be an adequate level of POS on site together with a LEAP which would require 5 pieces of equipment to comply with policy.
- 4.6 Subject to a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements, monies towards the future provision of primary school education over and above the existing 80 units that have an extant permission on this site and the requirement for the future maintenance of the open space and playspace on site
- 4.7 The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments
- 4.8 Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be locationally sustainable. This issue did not form part of the deemed refusal of applications 12/3025 and 12/3028C. Likewise the inspector accepted that site to be generally sustainable
- 4.9 Balanced against these benefits must be the loss of a significant area of best and most versatile agricultural land. All of the site will be lost from agriculture, whether built upon or subject to open space. However, much of Cheshire East comprises best and most versatile land and use of such areas will be necessary if an adequate supply of housing land is to be provided. Furthermore, previous Inspectors have attached very limited weight to this issue in the overall planning balance.

- 4.10 Previous highways and urban design concerns have now been resolved and can be addressed through appropriate conditions and contributions, and it is no longer considered that these provide sustainable reasons for refusal.
- 4.11 It is also necessary to consider the negative effects of this incursion into Open Countryside by built development effects that would be all the more marked in the locality given the landscape concerns.
- 4.12 The change in the housing land supply position and the uplift in numbers (to 36,000 as a minimum) significantly alters the way in which this should be viewed in the overall planning balance. It is not considered that in this case there is sufficient, either individually or when taken cumulatively with the other negative aspects of the scheme, to be sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.
- 4.13 On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is considered that the Council should withdraw all of the reasons for refusal and not to offer any evidence at the forthcoming public inquiry and invite the Inspector to allow the Appeal subject to a Section 106 Agreement and conditions as set out below.

5.0 Recommendation

To agree to the withdrawal of all of the reasons for refusal and not to offer any evidence at the forthcoming public inquiry and invite the Inspector to allow the Appeal subject to legal agreement and conditions as detailed.

Section 106 Agreement to secure:

- **Amenity Greenspace of 5520m²**
- **LEAP (Locally equipped area of play) including at least 5 items incorporating DDA inclusive equipment**
- **Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity**
- **Highways contribution of £143,789 secured to provide mitigation measures at the Rood Hill junction**
- **30% affordable housing as follows: 65% rented affordable units (either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rents) and 35% intermediate affordable units. This equates to up to 69 affordable units, with 45 as social or affordable rent and 24 as intermediate tenure**

- affordable homes to be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.
- All the Affordable homes to be constructed in accordance with the Homes and Communities Agency Design and Quality Standards 2007 and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
- Housing transferred to and managed by an RSL as set out in the Housing Act 1996”
- Financial contribution to ‘offset’ the impacts of the development on ecology to be calculated using an assessment of the residual ecological impacts of the proposed development using the Defra ‘metric’ methodology.

and the following Conditions.

1. Standard Time limit
2. Standard Outline
3. Submission of Reserved Matters
4. Approved Plans
5. Limit no of dwellings to 220
6. Submission, approval and implementation of details of existing and proposed ground levels
7. Submission, approval and implementation of details of materials
8. Submission, approval and implementation of scheme of sustainable surface water drainage
9. Submission, approval and implementation of scheme of foul water drainage
10. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems.
11. scheme to limit the surface water runoff generated by the proposed development,
12. a scheme to manage the risk of flooding from overland flow of surface water,
13. a scheme for the provision and management of an undeveloped buffer zone (at least 5 metres wide) between the watercourse running through the site (from south to north) and any built development
14. Any proposed surface water discharges from this site must be limited to the undeveloped greenfield equivalents to mimic current surface water runoff and discharges from the site and taking account of soil permeability established from detailed site investigation. Discharges above this allowable rate must be safely attenuated to the 1% or 1 in 100 year annual probability event including current allowances for climate change.

15. Submission, approval and implementation of a scheme of archaeological mitigation
16. Hours of construction
17. Submission, approval and implementation of external lighting
18. noise mitigation measures (to protect future residents from noise from the public house),
19. Submission, approval and implementation of contaminated land investigation
20. Submission, approval and implementation of Environmental (Construction) Management Plan including dust control measures
21. Submission, approval and implementation of Travel Plan
22. Submission, approval and implementation of electric vehicle infrastructure
23. Submission, approval and implementation of features for use by breeding birds
24. Reserved Matters to make provision for retention of hedges and replacement hedge replanting
25. Reserved Matters to make provision for retention of veteran trees within open space
26. Implementation of Great Crested Newt and Badger mitigation.
27. Submission, approval of scheme of tree protection
28. Implementation of tree protection
29. An Arboricultural Impact Assessment (in accordance with para 5.4.3 of *BS5837 Trees in Relation to Design, Demolition and Construction – Recommendations*) including an evaluation of the Tree Constraints and a draft Tree Protection Plan to be submitted reserved matters
30. Submission, approval and implementation of open space scheme with first reserved matters
31. Submission, approval and implementation of maintenance plan for open space
32. Submission, approval and implementation of scheme of bin storage
33. Submission, approval and implementation of details of boundary treatment
34. Highway Improvements / public realm works to be constructed prior to occupation
35. Provision of 2No. Quality Bus Stops on Canal Road
36. Submission / approval of detailed design for Public realm works to accord with the following main principles
 - High quality natural stone materials for pavements
 - Natural stone (granite surfacing) for the road surface in front of the Town Hall
 - Creation of a natural stone shared surface area on Albert Place adjacent to the garden/park (where pavements are at their narrowest).
 - Entry thresholds in natural granite

- **Minimise signage and road markings**
- **Keep kerb heights to a minimum and use natural stone, conservation kerbing**
- **Blacktop for other sections of street, where natural stone is not advocated**

6.0 Risk Assessment and Financial Implications

- 6.1 There is a risk that if the Council continues to pursue the Appeal on housing land supply grounds, in the light of the Local Plan Inspectors Interim findings, 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 reasons for refusal.

7.0 Consultations

- 7.1 None external.

8.0 Reasons for Recommendation

- 8.1 To avoid the costs incurred in pursuing unsustainable reasons for refusal at Appeal

For further information:

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Background Documents:

Applications 13/3517C and 14/4938C