

Application No: 16/5156C

Location: LAND OFF BLACK FIRS LANE, SOMERFORD, CONGLETON, CHESHIRE

Proposal: Residential Development for 170 houses & associated works.

Applicant: Mr Taylor, Barratt & David Wilson Homes North West

Expiry Date: 20-Dec-2016

SUMMARY:

The proposal is contrary to the 'saved' policies PS8 (Open Countryside) of the Congleton Local and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The site is now however proposed as part of an allocation for around 750 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6). The Inspector in his views on Further Modifications needed to the Local Plan Strategy (Proposed Changes) (13 December 2016) has endorsed the overall approach, and not indicated any further changes required under the suggested Main Modifications, in relation to this site. The plan can accordingly now be given greater weight.

The site was approved in outline under application 13/2746C.

An 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. It is anticipated a 5 year supply will be demonstrated when the Local Plan is adopted but at this time it cannot be supported.

It is therefore necessary 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).

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.

The proposals are considered to satisfy the Local Plan policy requirements.

Recommendation: Approve subject to a Section 106 Agreement and conditions.

SITE DESCRIPTION

The application site comprises approximately 10.43 hectares in a roughly triangular shape is located within an area of ribbon development along Chelford Road, Black Firs Lane and Holmes Chapel Road. Opposite the site along Chelford Road there are a mix of detached houses and bungalows. Black Firs Lane marks the western edge of the Congleton Settlement. Adjoining the south-west part of the site is former farmstead of Green Tree Farm and to its south Goodwin's Pool, which is used by Congleton Anglers Society for fishing. A number of new houses have been built off Chelford Road adjacent to the site on the south western boundary.

The frontages of the site have wide grass verges, with many trees of differing levels of maturity, quality and height. The western side of Chelford Road is characterised by an existing ribbon of development, part of the southern boundary has ribbon development facing onto Holmes Chapel Road and there is a section of ribbon development along southern part of the eastern, Black Firs Lane boundary. Ribbon development also extends further up the eastern side of Black Firs Lane.

The application is best and most versatile agricultural land and apart from the areas adjacent to existing dwellings, much of the boundary is characterised by hedgerows, wide grassed verges and mature trees to the Street frontages.

Black Firs nature reserve (SBI) sits along the southern part of the site and an area of woodland outside the site boundary on the junction of Holmes Chapel Road and Chelford Road.

2. DETAILS OF PROPOSAL

This application seeks full planning permission for residential development of 170 houses and associated works. Whilst it is not a Reserved Matters application as access is only proposed from Black Firs Lane (not from Chelford Road as approved with the previous application) it essentially follows the same layout that was submitted at the outline stage which was approved in 2013 under reference 13/2746C.

The proposed layout effectively splits the site in two, with the northern element having properties running parallel to and fronting Chelford Road and Black Firs Lane, with an area of open space in the centre, in the "triangle" of the site. The site is then split by a sizable area of more informal open space incorporating existing trees in the centre of the site, and a SUDS area along the south west boundary in the lower lying part of the site. The second housing area then lies to the south and has a traditional regular layout.

As stated above no access is now proposed from Chelford Road, but two access points are proposed from Black Firs Lane in similar locations to those considered at the outline stage.

Since the initial submission changes have been made to the layout including to the areas of affordable housing on the eastern side of the site, at the proposed southern site entrance, and on individual plots on the western side. These amendments have been consulted upon.

3. RELEVANT PLANNING HISTORY

13/2746C - Erection of up to 180 dwellings, public open space, green infrastructure and associated works Land between Black Firs Lane, Chelford Road & Holmes Chapel Road, Somerford - APPROVED August 2014

4. PLANNING POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004). The Congleton Local Plan is applicable for this site.

Policies in the Local Plan

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist

Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010

Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC3 – Health and Wellbeing
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgerows and Woodland
SE9 –Energy Efficient Development
IN1 - Infrastructure
IN2 – Developer Contributions

Site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6)

The latest wording reads as follows:

“Site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6)

The development of Back Lane / Radnor Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of 750 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.26 of the LPS;
3. The delivery of up to 7 hectares of employment land adjacent to Radnor Park Trading Estate as set out in Figure 15.26 of the LPS;
4. The delivery of up to 1 hectare of employment or commercial development adjacent to the Congleton Link Road Junction as identified in Figure 15.26 of the LPS;
5. The retention and enhancement of Back Lane Playing Fields which has Village Green status;
6. The delivery of improved recreational facilities linked to Back Lane playing fields and the proposed primary school site;
7. The provision of appropriate retail space to meet local needs;
8. The provision of pedestrian and cycle links set in Green Infrastructure to new and existing employment, residential areas, shops, schools, health facilities and the town centre;
9. The provision of public open space, as a new country park adjacent to Back Lane Playing Fields; as set out in Figure 15.26 of the LPS
10. The provision of children's play facilities

11. The provision of a new primary school with linked community use as set out in Figure 15.26 of the LPS;
12. Contributions to new health infrastructure.
13. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.26 of the LPS

Site Specific Principles of Development

- a. Contributions towards the Congleton Link Road / complimentary highway measures on the existing highway network.
- b. The provision of a network of open spaces for nature conservation and recreation, including access to and enhancement of the River Dane Valley Corridor as shown in Figure 15.26 of the LPS. Development should retain and enhance areas of landscape quality / sensitivity.
- c. The timely provision of physical and social infrastructure to support development at this location.
- d. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.
- e. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.26 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.
- f. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.
- g. The provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities.
- h. A desk based archaeological assessment will be required for any future application on this site.
- i. The site will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- j. Future development should have reference to the River Dane Local Wildlife Site and Ancient Woodland.
- k. Future development should also have consideration to Policy SE14 (Jodrell Bank).
- l. In order to ensure a sustainable, mixed use scheme is delivered on the site, the Council will require all housing proposals to demonstrate, through the execution of an s106 Agreement or appropriate alternative, how the delivery of employment land as an extension to the Radnor Park Trading Estate will be positively supported.
- m. The Visual, Noise and Pollution assessment of development should be undertaken with the assumption that the Link road is in situ and suitable screening / mitigation provided accordingly. Noise and visual mitigation measures should be provided between future and existing employment / residential areas. This could include separation distances, acoustic fencing, earth mounding, tree planting and building orientation.
- n. Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC2 'Indoor and Outdoor Sports Facilities'
- o. Future development should provide an appropriate buffer with the Ancient Woodland along the River Dane Corridor
- p. Future development should provide an east to west Greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other

community facilities at this site with other sites to the north of Congleton. This should include a footbridge over the River Dane for pedestrian / cycle use.

q. The Congleton Link Road will form the boundary for development; except for a single area shown in Figure 15.26

r. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

s. The proposed route of the Congleton Link Road is as shown in Figure 15.26. Development should be undertaken with the assumption that the link road is in situ. The land required for the construction and delivery of the Congleton Link Road will be safeguarded from development.”

The site subject of this application makes up the western part of the site, but only part of the overall site allocation which includes other residential sites, areas of employment, public open space, land for the link road and the Dane Valley. The wording of the policy has been amended during the Local Plan process and the site has been changed from a strategic location to a specific site.

Somerford Neighbourhood Plan

The plan is currently at Regulation 7 Stage – Neighbourhood Area Designation, and as such the plan cannot at this point in time be given much weight in the planning process as it has not reached the Regulation 14 - Pre-submission Consultation stage. It is also important to point out that the Neighbourhood has to be in general conformity with the strategic policies of the Local Plan.

CONSULTATIONS:

Environment Agency: No objections in principle but conditions relating to dealing with any contaminated land, should it subsequently be found.

Natural England: No objections but refer to standing advice on protected species.

Jodrell Bank: Object to the application as the impact from the additional potential contribution to the existing level of interference from that direction will be moderate. They ask that Cheshire East take this into consideration in reaching its decision.

Environmental Health: Whilst comments are awaited in relation to an amended road traffic noise assessment, to take into consideration the approved Congleton Link Road, which runs to the north of the site, no objections have been received on other environmental considerations subject to conditions relating to Noise insulation, Travel plans, Travel Information Packs, Electric Vehicle Infrastructure, Phase II Ground Investigation and contaminated land.

Education: The development is expected to generate 13 primary children, 7 secondary children and 1 SEN child, and that owing to the shortfall in the provision in all three areas a contribution of £300,901 is required. If this is not secured then Children’s Services raise an objection to this application.

It must be noted that this sum is considerably larger than the £165,405 required at the time of the outline approval in 2013. Clarification of the figure has been sought following questions from the applicant.

Flood Risk Officer: They note there is no defined drainage strategy and that a number of options have been discussed. Conditions relating to drainage strategy/design and implementation are recommended. Run off rates shall mimic existing greenfield run-off rates.

Strategic Highways Manager: They have no objections subject to conditions relating to a construction management plan, a travel plan and a Section 38 road layout plan. In addition, contributions are sought towards capacity improvements of the A34 Rood Hill Traffic Signals or the A34 West Street roundabout OR alternative measures that offer congestion relief benefits to the A34 corridor through Congleton, and the improvement and accessibility of Local Bus Stop Infrastructure.

It follows the broad principles and format of a previously approved outline application in 2013 (REF 13/2746C). The Access strategy differs from the approved scheme in that there is no longer an additional access off Chelford Road, with the principle access now taken solely off Black Firs Lane.

Public Rights of Way: Whilst the proposed development does not appear to affect any Public Rights of Way, there are opportunities to provide green linkages to Congleton, essentially to the east, as part of the North Congleton Masterplan proposals and advice in the NPPF.

Public Open Space (Amenity Greenspace) and Children's Play Space: Commenting on the outline approval, there was considered to be a deficiency in provision locally. On site provision for both open space and play space to an adoptable standard was required with associated commuted sum payments for future maintenance should this be adopted by the Council. The amount of open space indicated on the submitted outline plans was considered to be an over-provision.

ANSA commenting on this application however have raised issues about what is considered to be amenity green space and children's play provision as although extensive area of open space in various forms are proposed, they do not strictly conform to their remit. Whilst they raise no objections to the application they ask that the overall provision is considered. They raise no significant issues in relation to the formal LEAP proposed but require further details before they can confirm it meets their requirements.

VIEWS OF THE PARISH / TOWN COUNCIL

Somerford Parish Council: Recommend the application be refused on a number of grounds:

Defective application – They do not consider this application to be the same proposal as submitted and approved at outline, and has not been subject to public consultation. Access is only now proposed from Black Firs Lane, and since the previous approval new dwellings have been built off Chelford Road and Black Firs Lane. Additional dwellings are also proposed off Black Firs Lane to the north east of the site. They also feel some of the surveys submitted are out of date, and that the Neighbourhood Plan is not fully considered by the applicant.

Sustainability – They are concerned about the provision of new educational facilities and health care.

Housing – They do not feel the housing proposed complements the surrounding area, with some properties (in the original proposals) being at an oblique angle to the adjoining roads. They consider it to be unsympathetic to the surrounding area.

Bio-diversity - They do not accept that the development proposed can enhance the bio diversity of the site.

Landscape – They echo the Council’s Landscape Officers comments about lack of planting within the housing areas and being too “hard”.

Transport – Concern is expressed about vehicle movements along adjoining roads especially when this application is considered alongside the adjacent application on Blackfirs Lane.

Local Distinctiveness – The site does not complement the adjoining housing areas.

In a separate response from the Parish Council Neighbourhood Plan Steering Group they again repeat concerns that the Neighbourhood Plan is not properly considered as part of this application especially with regards to layout and design of the proposed houses.

REPRESENTATIONS

A number of objections have been received from neighbours, some of which echo the concerns raised by the Parish Council, but raised a number of other issues which include:

- Impact on the character of the open countryside/landscape, loss of openness
- Loss of trees, woodland and hedgerows
- Impact on wildlife in particular protected species
- Lack of facilities in the area in particular education spaces and medical provision
- No proven need for housing
- Air quality and noise impact concerns
- Affordable housing being provided in “ghettos”
- Flooding/drainage concerns
- Poor quality of design with no variety and not reflecting local character
- Impact on Jodrell Bank
- Highway safety concerns, lack of footways for pedestrians
- Concerns about impact during the construction phase

In addition to these general issues the occupiers of new properties no 6 and 8 Chelford Road raise very specific relationship concerns with regards to loss of privacy and light due to level differences and the proximity of new dwellings. These matter are considered in more detail in the amenity section of the officer’s appraisal.

Full details of resident’s objections can be viewed on the Council’s website.

APPLICANTS SUBMISSION:

- Transport Assessment
- Noise Report
- Landscape Design Strategy
- Hedgerow Assessment
- Flood Risk Assessment
- Ecological Mitigation Strategy
- Design and Access Statement
- Construction and Environmental Management Plan
- Tree Survey and Advice
- Air Quality Assessment
- Affordable Housing Delivery Plan
- Ground Investigation Report
- Drainage Strategy
- Acoustic Report
- S106 Heads of Terms

These reports can be viewed on the application file.

APPRAISAL:

HOUSING LAND SUPPLY

On 13 December 2016 the Inspector published a note which sets out his views on the further modifications needed to the Cheshire East Local Plan Strategy. This note follows 6 weeks of Examination hearings concluding on 20 October 2016.

This note confirms that his previous endorsement for the core policies on the plan still stand and that “no new evidence or information has been presented to the examination which is sufficient to outweigh or alter my initial conclusions”. This signals his agreement with central issues such as the ‘Duty to Cooperate’, the overall development strategy, the scale of housing and employment land, green belt policy, settlement hierarchy and distribution of development.

The Inspector goes on to support the Council’s approach to the allocation of development sites and of addressing housing supply. He commented that the Council:

“seems to have undertaken a comprehensive assessment of housing land supply, and established a realistic and deliverable means of meeting the objectively assessed housing need and addressing previous shortfalls in provision, including assessing the deliverability and viability of the proposed site allocations”

The Inspector went on to state that the development strategy for the main towns, villages and rural areas appeared to be “appropriate, justified, effective, deliverable and soundly based.” As a consequence there was no need to consider other possible development sites at this stage.

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply. Following the Court of Appeal decision on the Richborough case, the weight of an out of date policy is a matter for the decision maker and could be influenced by the extent of the shortfall, the action being taken to address it and the purpose of the particular policy. Given the solution to housing supply now at hand, correspondingly more weight can be attributed to these out of date policies.

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

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

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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

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

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

ENVIRONMENTAL SUSTAINABILITY

COUNTRYSIDE AND LANDSCAPE IMPACT

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”.

The application site is located on the western edge of Congleton and covers an area of 10.42 hectares in a roughly triangular area of land that is defined by Chelford Road to the west, Black Firs Lane to the east located and further to the south by Holmes Chapel Road (A54). The western side of Chelford Road is characterised by an existing ribbon of development, part of the southern boundary has ribbon development facing onto Holmes Chapel road and there is a section of ribbon development along southern part of the eastern, Black Firs Lane boundary. Ribbon development also extends further up the eastern side of Black Firs Lane.

The application is agricultural land and apart from the areas adjacent to existing dwellings, much of the boundary is characterised by hedgerows, wide grassed verges and mature trees. There is a nature reserve along the southern part of the site and an area of woodland outside the site boundary on the junction of Holmes Chapel Road and Chelford Road.

As part of the outline application a Landscape and Visual appraisal has been submitted, this refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge, as well as the Cheshire Landscape Character Assessment 2009, which identifies the area as being in the Lower Farms and Woods character type 10, and more specifically the Brereton Heath Character Area (LFW2). The appraisal also refers to the Congleton Landscape Character Assessment 1999. The Congleton Landscape Character Assessment identifies this as Cheshire Plain; the application site displays many of the characteristics of these character types.

The assessment referred to the saved policies of Congleton Borough, specifically the designation and boundary of the Area of Special County Value – Dane Valley, to the north of the application site. This landscape designation remains in place and has been retained as a landscape designation in Cheshire East, now renamed Local Landscape Designation – Dane Valley. This application site is not located within the boundary of this locally designated landscape.

The assessment identified the baseline landscape and visual characteristics of the application site and identified a number of viewpoints around the application site, these were generally representative and the visual summary and landscape and visual analysis was broadly agreed, as were the constraints and opportunities.

Commenting on this current full application, the Council's Landscape Architect feels that whilst there are sizable areas within the site which will provide areas of additional planting, the actual housing areas rely heavily on existing boundary planting and he feels there is scope to improve the landscape layout and achieve a scheme that extends the quality of the proposed open spaces into the wider development. The applicant has been asked for an updated landscape plan following the amended layout and comments on this will be reported as part of the update to Members.

ACCESS TO SERVICES

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability

performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities 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.

In summary, looking at the outline application it was clear that 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.

Clearly, this site is located on the western edge of Congleton and the same distances would apply to the existing residents in Somerford. The site is accessible to public transport. Holmes Chapel Road is a bus route for Service 42 (Congleton – Holmes Chapel – Middlewich – Leighton Hospital – Crewe). It has an hourly daytime Monday-Saturday service. Bus stops for this service in both directions are situated outside 160 Holmes Chapel Road to the immediately to the south of the site. Further to the east along Holmes Chapel Road (near Box Lane) there is a further bus stop where Service X38 can be accessed, running between Crewe and Biddulph and passing close to Congleton Railway Station.

West Heath Shopping Centre which has a range of services and facilities including two supermarkets (Co-Op and Aldi), a convenience store, post office, pharmacy, restaurants and hot food takeaways. Adjoining the shopping centre is the Unicorn public house.

To the north-east of the West Heath Shopping Centre there is the large employment area comprising of the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers.

Congleton is a principal town in Core Strategy where we can expect development to occur on the periphery. As there are insufficient development sites in the Town Centre, it must be accepted that development in slightly less sustainable locations in the outlying areas of the town must occur.

It should also be recognised that the site forms part of a local plan allocation and has been assessed as being a preferred zone for development.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, an environmental role in protecting and enhancing the natural environment, reducing energy consumption through sustainable design, and assisting economic growth and development. The proposal would also generate Government funding through the New Homes bonus.

HIGHWAY SAFETY & TRAFFIC GENERATION

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.

Access Arrangements

Access to the site will be off Black Firs Lane and will cater for all pedestrians and cyclists as well as vehicular traffic. An emergency access will also be provided onto Black Firs Lane, which will also cater for pedestrians and cyclists.

The principle access point is as previously consented for 13/2746C. This access is a priority junction that is capable (in capacity terms) of serving the level of development proposed in the application. Adequate Visibility is provided for the current vehicle speeds

An independent review of the safety of the access strategy has also been undertaken with particular focus on the proximity of the proposed access onto Black Firs Lane and the neighbouring application (Ref 16/1922C) This review confirms that the access strategy is acceptable in safety terms. (In addition, should 16/1922C be approved this has a condition to introduce complimentary traffic calming on Black Firs Lane)

Traffic Impact

The traffic impact of the scheme will be similar to the previous application. Mitigation agreed with the applicant was:

£755,000 towards off site highways works on the A34
£145,000 towards sustainable transport improvements

It was agreed with the applicant that a fresh Transport Assessment would be undertaken, adopting the same approach as was used for the previous planning application. This Transport Assessment has been completed in accordance with this approach and shows that the local junctions, namely the A54/ Black Firs Lane and A54/ Chelford Road/ Sandy Lane will operate within capacity and residual traffic impacts are not severe.

The applicant has undertaken a series of capacity tests at junctions that would be influenced by the traffic generated by the development. The principle junctions on the A54 and A34 have been assessed by the applicant but only in terms of the percentage impact of the development at each junction.

Although the applicant has stated that this approach has been agreed by CEC and that improvements to the A34 would not be required this is not an agreed position. There are a number of committed developments that the applicant has failed to consider in the traffic assessment that impact on the A34. Whilst, the impact of this particular development may be small in percentage terms at the principal junctions on the A34, these junctions are operating well in excess of capacity and there are significant queues and congestion currently without the committed development traffic being added to the network. Therefore, there is a cumulative impact that this development proposal will further add to on the A34 and this is a reason to reject the application without mitigation measures.

The A34 corridor through Congleton does have significant traffic congestion and not only at peak times, the Council commissioned its own traffic model assessment of the corridor to assess the level of congestion that occurs at the principal junctions. The results of the CEC's study has found that the principal junctions are operating over capacity and in some cases have significantly long queues affecting other junctions. It is clear, that the CEC capacity results are somewhat different than the results submitted by the applicant and it is the Council's contention that further developments cumulatively will result in significant and severe capacity problems.

Planning approval has been granted for the Congleton Link Road (CLR) although the scheme has not yet been constructed. Should the CLR proceed it would provide significant benefits in regards to reducing traffic flows through Congleton and thereby enable the traffic generated by this development to be accommodated on the road network.

It is considered therefore that the previous approved mitigation strategy remains valid. However, it is recommended that the contribution strategy is enhanced allowing up to £850,000 to deliver capacity improvements to the A34 corridor or to other measures that provide congestion relief benefits to the A34 corridor through Congleton.

Internal Road Layout

The internal road layout consists of a mix of 5.5m wide carriageways and 4.8m shared surfaces, the proposed alignment of the internal roads and private drives are acceptable. However, there are a number of issues regarding the design that require amendment to allow CEC to adopt the internal roads, as these issues can be satisfactorily dealt with within the highway boundaries and does not affect the housing layout a condition can be attached that an agreed highway layout be submitted and agreed prior to commencement.

Accessibility

There are regular bus services operating within Congleton operating on roads near the development site. The closest bus stops to the site are located along Holmes Chapel Road – one adjacent to the housing along the southern border of the site and one within 40 m of Box Lane. Both the locations are approximately a 10 minute walk from the proposed access point on Black Firs Lane.

At the Holmes Chapel Road location south of the site, the bus stop along the northern side of the road is unmarked and the one located on the southern side of the road consists solely of a flag and pole with no paved area to wait. There is no street lighting at either of these bus stops.

At the Holmes Chapel Road location near to Box Lane, the bus stop on the northern side of the road is sheltered (without seating) and adjacent to a lighting pillar. The bus stop on the southern side of the road is unmarked and consists of a small paved area. There are no footways or crossing facilities connecting this paved area to the wider footway network.

It is recommended that a commuted sum of £50,000 is set aside to improve these facilities.

It is considered all key amenities and facilities are located within acceptable walking distance from the site. All local services are located within 2km walking distance from the site including schools, a shopping centre, a pub and a trading estate.

Black Firs Lane does not have a footway either side of the road and Chelford Road has only a single footway on the western side only. The applicant proposes footways of up to two metres wide on the eastern edge of Black Firs Lane and will connect with the footpath near Longdown Road. Pedestrians and cyclists will be able to connect to the new footway on Black Firs Lane, at the location of the proposed emergency site access, from the network of streets and footpaths within the development. It is recommended that this is secured through a S278 agreement.

The CLR, when delivered, will also upgrade the whole length of Back Lane with pedestrian facilities.

Summary and Conclusion

This site is a key component of the North Congleton Masterplan Area. This application is effectively a resubmission of a previously approved outline application albeit with a different access strategy. This access strategy is considered acceptable.

There is one main access point proposed to serve the development and there are no capacity or safety concerns regarding the access proposals.

The site is considered to be in an accessible location, the footpath provision along Black Firs Lane will create a safe off-road facility for pedestrians. The CLR would also provide further, broader improvements to pedestrian and cycle links to the site (for example – along the improved length of Back Lane).

In regards to the traffic impact of the development, it is considered that this site would lead to a cumulative traffic impact on the local highway network, though it is accepted that in isolation the impact of the development is not severe. As such, in the opinion of highways officers the site benefits greatly on the CLR coming forward as it would reduce traffic flows on both the A54 and the A34 thereby reducing congestion levels. The cumulative impact of all development in the North Congleton Area requires the link road to be delivered and this site forms part of this strategy. However, mindful that there is an existing permission with a strategy for a flexible contribution to improvements to the existing corridor it is recommended that this approach is maintained – and this provides a suitable level of highway mitigation.

Conditions/106 Contributions

1. Construction Management Plan to be submitted prior to commencement.
2. Travel Plan to be submitted prior to occupation of the first dwelling.
3. Prior to commencement a S38 road layout shall be submitted and approved by the LPA.
4. S106 contribution of £850,000 towards capacity improvements of the A34 Rood Hill Traffic Signals or the A34 West Street roundabout OR alternative measures that offer congestion relief benefits to the A34 corridor through Congleton.
5. S106 contribution of £50,000 towards the improvement and accessibility of Local Bus Stop Infrastructure.
6. A scheme to be approved by the Local Highway Authority for the provision of footway facilities along Black Firs Lane secured via a S278 agreement.

DRAINAGE AND FLOODING

The applicant submitted a detailed Flood Risk Assessment (FRA) with the outline application, and a Drainage Strategy Report with this application.

The site is in Flood Zone 1 as defined in Table 3 in the Technical Guidance to the NPPF. This is the lowest probability flood zone.

Surface water runoff from the site is currently managed through a series of land drains and a pond in the south western corner of the site. Ultimately surface water is discharged from the site into the angling pond and from there outfalls to the Loach Brook.

The layout has changed from the conceptual master plan at the outline stage in that there is now a significant SUDS feature in the low lying south western part of the site – where previously housing was proposed.

The Flood Risk Team have raised no objections to the application, subject to conditions relating to drainage strategy/design and implementation are recommended. Run off rates shall mimic existing greenfield run-off rates.

The Environment Agency and United Utilities accepted the findings at the outline stage and on that basis this proposal is not considered to be likely to result in any detrimental impact upon the site or its surroundings.

AMENITY

It is generally considered that in new residential developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties. A minimum private amenity space of 65sq.m is usually considered to be appropriate for new family housing.

Whilst there are generally no issues with adjoining properties due to the significant separation distances involved, as noted in the introduction there is a small cluster of new dwellings constructed off Chelford Road in the south west corner of the site, which have been built since

the outline approval was granted. As these properties are closer to proposed dwellings in the development, at a lower level and occupiers have raised concerns, this requires closer analysis.

Properties 6, 8 & 10 Chelford Road are specifically considered in the applicant's cross sections recently submitted in connection with concerns raised. Firstly, looking at 8 & 10 Chelford Road which will have a back-to-back relationship with two new properties. The residents are concerned about loss of privacy due specifically to the fact that the new properties will be at a higher level to them. The cross sections do indeed show there is a height difference of some 2.3m in one case, and 1.6m in the other. Whilst this could potentially be an issue if the properties were in close proximity, given that the separation distances are some 35m, considerably over the required 21m it is not considered that refusal could be recommended on either privacy or overbearing grounds.

The relationship of plot 44 to 6 Chelford Road is less straightforward, as there is a closer relationship at this point, and the 2.3m height difference is more pronounced given the separation distance of some 8.4m. That said the properties sit alongside each other and there is no overlooking/privacy issue the only consideration is loss of light on the northern side of the house. On the northern elevation there are a series of windows including a utility room, bathroom and secondary window to a downstairs bedroom. Each room will lose some north light caused by the boundary fence (and side of garage block beyond having some impact on the back garden) sitting higher than normal due to the ground level difference. That said there will be no loss of sun light and no impact on habitable room windows (secondary window to the bedroom excluded), and whilst not ideal, it is a significant improvement on the original layout, and it is not considered that a refusal could be recommended on the basis of this impact on outlook.

It is therefore concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy GR1 of the Local Plan.

FORESTRY

There are currently two Tree Preservation Orders (TPO) that afford protection to trees immediately adjacent to the application site. There are currently no TPOs protecting any trees within the application site.

The Congleton Borough Council (Black Firs Lane, Congleton) TPO 1980 affords protection to a Woodland (scheduled as W1 of the Order) located to the north of 21 Black Firs Lane and described within the Order as deciduous woodland comprising of mainly Birch. An Area of trees described within the Order as several Sycamore, Birch and Rowan (A4 of the Order) is located offsite to the south between 144 Holmes Chapel Road and 1 Black Firs Lane is unaffected by the proposal.

A second TPO cited as the Congleton Borough Council (Holmes Chapel Road/Chelford Road, Somerford) TPO 1993 affords protection to a woodland (W1 of the Order) located offsite at the corner of Holmes Chapel Road and Chelford Road. Again, this woodland is unaffected by the proposal

The application is supported by the original tree survey, submitted as part of the outline, which incorporates a draft Tree Retention and Removal Plan (Midland Forestry Ref MF/6622) dated 1st November 2012 and states that trees were assessed in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations (the Standard).

The Survey identified and assessed 13 individual trees and twelve groups and two hedgerows within the site. These have been categorised in accordance with Table 1 of the Standard into High (A) category; Moderate (B) category; Low (C) category and trees unsuitable for retention (U).

All High and Moderate category trees should be regarded as principle landscape assets and there should be a presumption for their retention unless there is an overriding justification for their removal; that there can be mitigation for avoidance of the harm or if this is unavoidable that such losses can be substantially mitigated.

The Survey stated that 58% of the trees surveyed within the site fall within the High (A) or Moderate (B) category with two hedgerows falling within the Moderate (B) category. Two individual trees and two groups are categorised as low category and 3 groups of trees (TG5 Birch; TG8 Birch and TG12 offsite Birch) are shown as in poor condition and unsuitable for retention.

In addition, whilst not within the site edged red of the application, there are several trees which may be impacted by the proposed cycleway/footway along Black Firs Lane (referred to in the Transport Statement). These include some prominent mature Sweet Chestnut trees which appear to be of significant age. These trees are not included in the submitted arboricultural survey or assessment.

Whilst the proposals are essentially the same as those proposed in 2013, an updated Arboricultural Impact Assessment and Tree Protection Scheme was requested, and comments on this are awaited from the Tree Officer. Whilst it is not anticipated there will be any significant issues, based on previous comments, this matter will form part of the update report to Members.

Hedgerows

Policy NR 3 of the CBC Local Plan refers to Important Hedgerows. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

On this site there would be hedgerow loss in order to create the two new accesses on Black Firs Lane. The Records Office confirmed that the hedgerows are not of historic significance, and whilst there would be a net loss of hedgerow, this can be mitigated by replacement planting and would not impact on the historic field pattern of the exiting hedge line to the Crewe Road frontage. On this basis Policy NR3 is complied with.

The site is approximately 10.4ha in size, triangular in shape, generally flat pasture land with some small field enclosures to the south of the site. A well maintained hedgerow forms the boundaries of Chelford Road and Black Firs Lane to the north of the site. The Hedgerows have been identified as Important under the Hedgerow Regulations 1997 in the supporting Hedgerow Assessment in that they fulfill criterion 5 of the Regulations; that they form an integral part of a

field system pre-dating the Enclosure Acts. These hedgerows are proposed to be located within open space provision along the site boundaries (outside private gardens) and therefore unlikely to be significantly affected.

ECOLOGY

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case specific advice has been sought from the Council’s Ecologist who has commented as follows:

Statutory Designated Sites

It is noted that Natural England have advised that there are unlikely to be any effects on the River Dane SSSI resulting from the proposed development.

Non Statutory Designated Sites

Black Firs Plantation Local Wildlife Site (LWS) is located adjacent to this site. It is advised that provided the proposed wildlife corridors/buffers around the site are implemented the proposed development is unlikely to have a significant adverse impact upon this LWS.

Grasslands

The submitted phase one survey states that the grassland on site is heavily improved and is classified as poor semi-improved grassland, however the submitted report recorded Knapweed as being present which is a species indicative of higher quality grassland habitats.

The grassland habitats on site do not pose a significant constraint on development their loss to the development would still result a loss of biodiversity value. It is suggested that this loss of biodiversity be off-set by means of a commuted sum which could be utilised to fund off-site habitat creation/enhancement.

It is suggested the following method of calculating an appropriate commuted sum. This is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

The loss of habitat (Semi improved grassland) amounting to roughly 5ha.

Cost of land purchase for habitat creation - including admin, management planning and transactional costs (5 x £17,298 cost per ha) = £86490.00 (Source RICS rural land market survey H1 2010)

Cost of creation of Lowland Grassland 5ha x £4,946 (cost per ha) = £24730.00 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £111,220.00.

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost is relatively species poor and so the impacts of this loss of obviously less, half of this figure would be appropriate meaning that we would seek a figure of say £55,610.00.

Badgers

The main badger sett located adjacent to the application site identified during previous badger surveys remains active. No setts are present within the red line of the application site itself but badgers are active on site. To mitigate the potential impacts of the proposed development the submitted ecological mitigation strategy proposes wildlife corridors around the development. These measures have been incorporated into the submitted layout plan.

As the status of badgers on a site can change within a short time scale it is recommended that in the event that planning permission is granted a condition should be attached with requires an updated badger survey to be submitted prior to the commencement of development.

Great Crested Newts

A number of ponds are located within 500m of the proposed development. Great Crested Newts have been recorded at a number of these ponds. The ponds supporting great crested Newts are however located over 250m from the proposed development and at least partially isolated from the application site by unfavourable habitat.

The potential impacts of the proposed development are limited to the low risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological constant has recommended a suite of 'reasonable avoidance measures'

Provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

If planning consent is granted then a condition requiring the development to be carried out strictly accordance with the Great Crested Newt Reasonable Avoidance Measures detailed in the submitted report should be attached.

Woodland

The submitted ecological mitigation strategy notes the loss of 0.05ha of woodland as a result of the proposed development. The woodland to be lost is however of relatively limited nature conservation value.

Ponds

The submitted great crested newt assessment recommends the incorporation of dedicated wildlife ponds as a means for compensating the loss of amphibian habitat and enhancing the remaining habitats on site for great crested newts and other amphibians. Additional ponds were proposed as part of the master plan submitted in support of consented application 13/2746n.

Ponds are shown on the submitted landscape and layout drawings (although they are not easy to spot). If planning consent is granted a condition should be attached which required detailed designs for the ponds to be submitted prior to the commencement of development.

Hedgerows

Hedgerows are a UK BAP priority habitat and hence a material consideration. In addition hedgerows on the eastern and western boundaries of the site have been identified as being important under the Hedgerow Regulations. The submitted indicative layout for the site suggests that it should be feasible to retain the majority of hedgerows on site, however it likely that sections may require removal to facilitate the site entrances.

Breeding Birds

The proposed development site is likely to support breeding birds including the more widespread Biodiversity Action Plan priority species which are a material consideration for planning. If planning consent is granted standard conditions will be required to safeguard breeding birds.

Bats

A number of bat species have been recorded on site. The proposed development will lead to the localised loss of bat foraging habitat. This impact can be partially mitigated for through the careful landscaping of the site and the development of a sensitive lighting scheme. A significant proportion of bat activity on site was associated with Black Firs Wood. The open space buffer zone around the wood would also assist in mitigating the potential impacts of the development upon foraging bats.

To avoid any adverse impacts on bats resulting from any lighting associated with the development I recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advise in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).

Hedgehogs

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. If planning consent is granted it is recommend that a condition be attached requiring gaps in garden or boundary fencing.

Polecat

This UK BAP priority species has been recorded in Black Firs Wood. The proposed development is unlikely to have a significant adverse impact upon this species.

Habitat Management plan

In the event that planning permission is granted a condition should be attached which requires the submission of a 10 year habitat management plan.

Conditions

If planning permission is granted it is recommended that the following conditions be attached.

- Submission of detailed design for wildlife corridors together with proposals for the fencing off of the wildlife corridors during the construction phase.
- Implementation of Great Crested Newt Reasonable Avoidance Measures
- Updated badger survey to be undertaken and submitted to the LPA prior to the commencement of development.
- Hedgehog condition.
- Submission of details for the incorporation of wildlife kerbs, bat and bird boxes (as per section submitted ecological mitigation strategy).
- Safeguarding of nesting birds
- Submission of 10 year habitat management plan
- Detailed landscaping plan.
- Creation of wildlife hibernacula as specified in section 4.65 of the submitted ecological mitigation strategy.
- Bat lighting condition
- Detailed design of ponds to be submitted with reserved matter application

URBAN DESIGN

The application is supported by a design and access statement which essentially follows the form of the outline approval splitting the site into 6 character areas. Each area is defined by its location and relationship to adjoining features rather than the individual character of the properties, but again follows the general form considered at the outline stage. The general layout in its amended form is now considered to give a reasonable form with good relationships to surrounding uses/frontages.

The housing mix proposed is essentially that approved at outline, with 6 bungalows included in the mix, located along the south east boundary of the site backing onto bungalows to the rear.

The design of the houses is typical of such a development, and has been criticised by residents and the Parish Council for not respecting the mix of housing types found locally. Whilst it is not realistic to expect the range of properties found locally, which is very varied and has evolved over a number of years, there is some sympathy for the repetition of house types on the site frontages to Chelford Road and Blackfirs Lane, in particular plots 42, 43, 22-25 & 167-170, 134-136. The applicant has been asked to look at these properties and look to vary the house types and use of materials to introduce more of a mix of properties to better reflect those opposite. The revised proposals will be included in the update report to Members.

CONTAMINATED LAND

Whilst Environmental Protection have raised a number of questions in relation to the assessments submitted with the application, they raised no objections subject to three conditions relating to Phase II ground investigation reports, the need to test soil brought onto site together with verification reports and finally requiring the finding of any contamination not previously identified to be reported and approved by the Local Planning Authority together with recommendations for its remediation.

AIR QUALITY

Congleton has Air Quality Management Areas within the Town Centre which operate above tolerances for contaminants. The developer has submitted a revised Air Quality Impact Assessment to test the validity of the previous assessment, update emission factors and confirm original findings. The revised assessment is accepted and conditions are recommended in accordance with that assessment, and consistent with the previous decision. These include approving individual travel plans, approving a Residents Travel Information Pack to be issued to local residents and provision of Electrical Vehicle Infrastructure.

Environmental Role - Conclusion

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, the site is within the zone which is also a preferred site for housing/commercial development (site SL6 Back Lane/Radnor Park) within the Local Plan Strategy.

The site is within walking distance along level terrain or a short bus journey from West Heath Shopping Centre. This centre offers a wide range of essential facilities and means that occupiers of the development will not be overly reliant on the private car.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

To the north of the West Heath Shopping Centre is the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers and employment opportunities. The emerging strategy allocation SL6 also includes a significant amount of employment development at this location.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This can be dealt with by condition in the interests of sustainable development.

This proposal will also provide commuted sum payments for off site habitat creation in lieu of the loss of species rich grassland in the site

ECONOMIC SUSTAINABILITY

LOSS OF AGRICULTURAL LAND

In connection with the outline application, the applicant submitted an agricultural land classification study which concluded that:

- The agricultural land on the site comprises a mixture of mainly 3a land.
- Whilst the agricultural land on this site does comprise a proportion of grade 3a and is “best and most versatile” land as defined in the NPPF, the loss such land on this site and the importance to be attached to it should be viewed within the context that the lack of the 5 year housing land supply is given weight in the planning balance by Inspectors.

Previous Inspectors have taken a similar approach to this issue at Appeal and determined that the need for housing land supply outweighs the loss of agricultural land. This was accepted at the time of the outline approval and it is not considered the situation has changed, and indeed was not an issue raised by the Inspector in the Local Plan Hearings at the end of last year.

JODRELL BANK

Jodrell Bank have objected to the application, on the grounds of a moderate impact on the observatory’s operations. This however needs to be considered against the fact the site is proposed to be allocated alongside others in North Congleton to help meet the Council’s identified housing need and will have been a factor considered as part of the Local Plan allocation process, in the planning balance.

Economic Role - Conclusion

The Framework includes a strong presumption in favour of economic growth. Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside and the loss of agricultural land.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

SOCIAL SUSTAINABILITY

AFFORDABLE HOUSING

Whilst comments from Housing Strategy are awaited, the applicant has followed the approved affordable housing strategy set out at the outline stage, which in this case amounts to 51 units comprising a mix of 1 to 3 bedroom properties meeting the required 30%, but changing the usual mix by having 25% social rent/75% intermediate tenure. This was done on the basis of the highways payment required. The affordable units are reasonably well pepper potted around the site

The report on the outline application read:

“The Interim Planning Statement: Affordable Housing states that for both allocated sites and windfall sites the Council will negotiate for the provision of a specific percentage of the total dwelling provision to be affordable homes. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the 2010 Strategic Housing Market Assessment. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This site is located in the Somerford Parish, for the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Somerford Parish is included in the Congleton Rural sub-area. The site is also close to the boundary of Congleton town and Congleton sub-area (for SHMA purposes).

In the SHMA the Congleton Rural sub-area shows a need for 11 new affordable homes per year between 2013/14 and 2017/18 (1 x 1 beds, 1 x 2 beds, 4 x 3 beds, 2 x 4+ beds and 2 x 2+ beds older persons accommodation. For the same time period Congleton sub-area shows a net need of 58 new affordable per year (27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 beds older persons accommodation). (The SHMA identified an oversupply of 49 x 2 beds and 12 x 2+ beds older persons accommodation)

In addition to the information taken from the SHMA there are a number of applicants on Cheshire Homechoice, where 5 applicants on the housing register who require social or affordable rented housing have Somerford as their first choice, these applicants require 1 x 1 beds, 2 x 2 beds and 1 x 3 beds (applicant has not specified how many bedrooms they require).

There are currently 610 applicants on the housing register who require social or affordable rented housing and have one of the Congleton re-housing areas as their first choice, these applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 beds (48 applicants haven't specified how many bedrooms they require).

The S106 agreement will also need to secure 25% of the affordable housing to be bungalows, maisonettes or adaptable houses built to meet Lifetime Homes standards/older person's needs. This would help create balanced communities.

It is the preferred option of the Housing Strategy & Needs Manager that the developer undertakes to provide any social rented/affordable rented units through a Registered Provider of affordable housing.

However, the variation of the tenure of the affordable units is very much an on balance assessment by the Housing Strategy Manger, who considers that in all other respects the SPD should be fully complied with, the details of which are as follows:

- a) 30% of the total dwellings on site to be provided as affordable housing,.
- b) The tenure split of the affordable dwellings to be 25% social/affordable rented and 75% intermediate tenure,
- c) The required affordable dwellings to be provided on site.
- d) 25% of the affordable dwellings to be built to meet Lifetime Homes standards, and these properties should be bungalows, maisonettes or adaptable houses.
- e) Submission of affordable housing schemes with each reserved matters application.
- f) The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.
- g) The affordable dwellings which are not required to be built to Lifetime Homes standard should be built in accordance with the standards adopted by the Homes & Communities Agency.
- h) Affordable dwellings are delivered periodically through the development with affordable housing provided on each phase of the development, ideally with 30% provided on each phase to ensure equal distribution of affordable dwellings across the site.
- i) Affordable dwellings pepper-potted within each phase of the development.
- j) All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings.”

EDUCATION

At the outline stage Education assessed the application and at that time considered that a contribution of £165,405 is required towards primary education, as a pro rate contribution looking at all the housing developments in the locality. However, if some of these other applications do not proceed then there would be a pro rata reduction in the mitigation required in this case. On this application Education write:

“In Cheshire East we are committed to making a difference to the lives of children and young people in our communities. We want Cheshire East to be a great place for people to live, learn, work and relax; where all children and young people feel included and listened to. We want Cheshire East to be a place where children and young people thrive, are safe from harm, feel physically and emotionally healthy, have access to outstanding education and feel prepared for and excited about adulthood.

Cheshire East had 94% of its schools rated as outstanding or good by Ofsted in 2015. Children’s Services is committed to putting residents first and creating greater opportunities for our young people to live rewarding lives by delivering and maintaining a high standard of education in the Borough.

The Local Plan is expected to deliver 36,000 houses in Cheshire East; which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.

Not including the current planning application registered on Land Off Black Firs Lane (16/5156C), there are 3 further registered and undetermined planning applications in Congleton generating an additional 214 primary children and 170 secondary children.

The development of 162 dwellings (2bed+) is expected to generate:

30 primary children (162 x 0.19 (- 1 SEN Child)
23 secondary children (162 x 0.15) (- 1 SEN Child)
2 SEN children (162 x 0.51 x 0.023%)

The development is expected to impact on both primary school and SEN School places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary, secondary and SEN school places still remains.

The analysis undertaken has identified that a shortfall of primary school places still remains. Given the other application on Black Firs Lane it seems fair and reasonable that both are considered together for secondary because ultimately together they result in a shortfall of secondary accommodation. The 2 developments result in a shortfall of 21 school places and on a pro rata basis this results in a split 35% and 65%

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 2 children expected from The Land Off Black Firs Lane application will exacerbate the shortfall. The 2 SEN children, who are thought to be of mainstream education age, have been removed from the calculations above to avoid double counting.

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

30 primary children = £165,405 (primary)
23 secondary children = £16,343 (secondary)
2 SEN children = £91,000 (SEN)
Total education contribution: £272,748

Without a secured contribution of £272,748, Children's Services raise an objection to this application.

This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 30 primary children, 14 secondary children and 2 SEN children would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed."

OPEN SPACE

In accordance with the advice, standards and formulae contained in the CBC Interim Policy Note on "POS Provision for New Residential Development" 2008, the POS has been assessed to see what would be needed to serve the proposals for up to 170 mixed dwellings shown on the submitted Planning Layout, Drawing No H7292.01 Rev B dated 23 September 2016, there would be a quantity deficiency of both Amenity Green Space (AGS) and for Children and Young Persons provision (CYPP)

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children's play provision, other land typologies such as woodland, buffers, green corridors, wildlife/semi natural areas or incidental space/verges are not a standard requirement therefore these areas go beyond policy requirements and are not for ANSA to consider.

Amenity Greenspace (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it 170 new homes (566 persons) will generate a need for 5,660sq m new AGS based on the housing schedule. The applicant is providing on site informal AGS working with the landscape incorporating ecological mitigations and SUDS measures however further formal AGS is required for informal games such as tag or kick about. The applicant should quantify the different areas of AGS within the informal open space, village green and central POS. The visual amenity open space is not accessible and contains SUDS measures therefore this is not useable open space and should be deducted from the total area of AGS.

The informal park and surrounding AGS that is proposed to the north of the site has proposed grassland, meadow and bulb tree and shrub planting. Whilst planting to reduce the visual impact from the approaching highways is accepted other planting should be kept to a minimum to enable informal games and natural surveillance from the dwellings. In respect of the aforementioned comments it is recommend that a detailed planting plan is supplied for approval.

The central POS adapts itself to a woodland, natural and semi natural wildlife area containing ecological and SUDS mitigation therefore not AGS. The access proposed through this area is for crushed gravel however to ensure inclusive access a resin bound aggregate is recommended.

The village green area must maximize the AGS available for informal games. This may mean offsetting the play facility however the 20m buffer zone will need to be kept.

The POS would need to be maintained for use in perpetuity under the arrangements for the management of the site.

Ansa will provide figures to maintain the facilities if maintenance is afforded to CEC should this application be accepted in principle. These figures will be in line with Interim Policy Note 2008.

Children and Young Persons Provision (CYPP)

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, in conjunction with the outline permission 13/2746C 170 new homes will generate a need for a new LEAP play facility in line with Fields in Trust and EN standards.

The applicant is providing on site LEAP facility shown on Drawing No. 12816 dated 19 October 2016.

Full details and further discussion on this provision is required to maximize the AGS available, this may mean redesign/positioning and removal of mounds.

It is recommended that if planning consent is granted a condition should be attached which require more detailed designs incorporating more inclusivity equipment (not necessarily wood), quantifying and maximizing the AGS to be submitted for approval. The LEAP should be to Fields in Trust and EN standards and certified as such.

Applying the standards and formulae in the 2008 Interim Guidance the Council would need a commuted sum for maintenance that will be calculated if permission is granted and maintenance of the facility is afforded to CEC.

The applicant has been asked to comment on the provision of informal play vis a vis provision of more formal play provision, as on this site there are extensive open areas, incorporating areas of woodland and SUDS provision which ANSA do not consider as part of their remit but nonetheless are available for informal play. This matter will be reported in the update to Members.

Social Role - Conclusion

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 170 new family homes, including a significant amount of affordable homes, on site public open space and financial contributions towards education provision.

In summary, in terms of its location, and accessibility the development is relatively unsustainable. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

Overall, the proposal is considered to be a sustainable form of development, for which there is a presumption in favour within the Framework. Whilst policies PS8 of the Local Plan restrict new development within the Open Countryside, the site is a designated site in the Local Plan Strategy which can now be given far greater weight in the planning balance than at the time of the outline, and this clearly represents an opportunity for planned development and growth. The development of the site is therefore considered to be acceptable in principle.

Section 106 Agreement / Community Infrastructure 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.

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and

children's play space is needed to maintain these areas in perpetuity. This matter will need to be subject to a Section 106. Similarly the affordable housing is a policy requirement.

The highways contributions are necessary to improve the sustainability of the site and to mitigate any impacts. The education contribution is necessary to mitigate the impacts of the scheme. On this basis the highways, education, open space and affordable housing is compliant with the CIL Regulations 2010.

Planning Balance and Conclusion

The proposal is contrary to development plan policies PS8 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise. However the site was approved in outline in 2013, is now proposed as part of an allocation for some 750 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS 44 Back Lane / Radnor Park, Congleton (Former SL 6). As part of the site selection process, all sites that were considered for inclusion in the Local Plan Strategy Proposed Changes (Consultation Draft) were subject to a Site Selection Methodology (SSM). This site was subject to the SSM and as part of that process a large number of factors were considered.

The NPPF 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

Although it is anticipated that a 5 year supply will be achieved when the Local Plan is adopted (to which this site makes significant contribution), it is still necessary to consider whether the proposal constitutes sustainable development and benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

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.

In terms of traffic generation and congestion Highways are satisfied that any impacts can be mitigated and will be addressed through significant Section 106 contributions.

There would be an adequate level of POS on site together with a play area which would comply with policy.

Subject to a Section 106 package or appropriate conditions, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and playspace on site. It would not generate any shortfall in education capacity locally.

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.

The site was fully assessed as a Local Plan Strategy site and considered locationally sustainable to a range of services and facilities. Furthermore, Section 106 contributions can be secured towards improving the sustainability of the site.

The proposal would not result in the loss of any best and most versatile agricultural land, and any impacts on ecological assets can be suitably mitigated.

It is also necessary to consider the negative effects of this incursion into the Open Countryside and landscape impact.

Despite the loss of open countryside, on the basis that the site has reached an advanced stage in the Local Plan process, and the Council cannot yet demonstrate a 5 year supply of housing, it is considered that the proposal represents sustainable development and paragraph 14 is engaged.

SUBJECT TO Outstanding matters relating to Education contribution, house-type/materials amendments, clarification of the open space provision and confirmation from housing will all be reported in the update to Members.

RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- **30% of the dwellings to be affordable.**
- **The tenure split of the affordable housing required is 25% social or affordable rent, 75% intermediate tenure.**
- **Affordable Homes should be pepper-potted (in clusters is acceptable)**
- **25% of the affordable dwellings to be built to meet Lifetime Homes standards, and these properties should be bungalows, maisonettes or adaptable houses. The affordable dwellings should be built to meet Code for Sustainable Homes Level 3.**
- **The affordable homes to be provided no later than occupation of 50% of the market dwellings unless the development is phased, in which case 80% of the market dwellings can be occupied.**
- **Provision of a LEAP with 5 pieces of equipment specification to be submitted and agreed and in accordance with that set out in the Greenspaces Officer consultation response.**
- **Management plan for all open space in perpetuity (including, inter alia, the LEAP, allotments if provided, woodland, general amenity openspace, village green, nature conservation area, drainage areas, ponds and any other areas of incidental open space not within private gardens or the adopted highway).**
- **Commuted sum of £55,610.00 to be used to deliver off-site habitat creation/enhancement as per the report.**
- **Commuted sum of £272,748 in lieu of Primary, Secondary and SEN education.**

- Contribution of £850,000 towards capacity improvements of the A34 Rood Hill Traffic Signals or the A34 West Street roundabout OR alternative measures that offer congestion relief benefits to the A34 corridor through Congleton.
- Contribution of £50,000 towards the improvement and accessibility of Local Bus Stop Infrastructure.

And the following conditions

1. Standard 3 year consent
2. Approved Plans
3. Materials
4. Landscaping
5. Implementation of landscaping
6. Tree/Hedgerow Protection Measures
7. 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
8. Noise insulation measures
9. Individual Travel plans
10. Travel Information packs to be provided for residents
11. Electric Vehicle Infrastructure
12. Submission of a Contaminated Land Phase II investigation.
13. Control over imported soils
14. Requirement to inform LPA if unexpected contamination found
15. Submission of Construction and Environmental Management Plan
13. Bin storage.
14. 10% renewable provision
15. Submission of detailed design for wildlife corridors together with proposals for the fencing off of the wildlife corridors during the construction phase.
16. Implementation of Great Crested Newt Reasonable Avoidance Measures
17. Updated badger survey to be undertaken and submitted to the LPA prior to the commencement of development.
18. Hedgehog access.
19. Submission of details for the incorporation of wildlife kerbs, bat and bird boxes (as per section submitted ecological mitigation strategy).
20. Safeguarding of nesting birds
21. Submission of 10 year habitat management plan
22. Creation of wildlife hibernacula as specified in section 4.65 of the submitted ecological mitigation strategy.
23. Bat lighting condition
24. Detailed design of ponds to be submitted with reserved matter application
25. Archaeological programme of works
26. Scheme of appropriate surface water drainage
27. Detailed design of surface water drainage
28. Provision and implementation of Travel Plan
29. Sewer easement as detailed in United Utilities response
30. All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
31. Finished floor levels

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 Head of Planning (Regulation), in consultation with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

