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| Planning Reference No: | 11/0736C |
| Application Address: | Loachbrook Farm, Sandbach Road, Congleton, CW12 4TE |
| Proposal: | Redevelopment of Land for up to 200 Dwellings, Community Facilities & Associated Infrastructure |
| Applicant: | Mr & Mrs Dale |
| Application Type: | Outline |
| Grid Reference: | 383151 363314 |
| Ward: | Congleton Town East/Congleton Rural |
| Consultation Expiry Date: | 2 nd June 2011 |
| Date for determination: | 2 nd August 2011 |

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

Planning Policy And Housing Land Supply
Sustainability of Site
Provision of Affordable Housing
Impact on Character and Appearance Landscape,
Impact on Landscape Features (Trees and Hedgerows)
Impact on Air Quality
Impact from Noise
Contaminated Land
Impact on Scheduled Ancient Monument
Impact on Archaeology
Impact on Sites of Special Scientific Interest
Impact on Protected Species and Ecology
Impact of Development on/from Flooding
Impact on Utilities Infrastructure
Design Considerations
Loss of Agricultural Land
Provision of Open Space
Impact on Highway Safety And Traffic Generation
Impact on Education Capacity
Impact on Jodrell Bank
Impact on Public Rights of Way

REFERRAL

The application has been referred to Strategic Planning Board because it is a large-scale major development.

1. SITE DESCRIPTION

The site is located within the Open Countryside as defined by the Congleton Borough Local Plan Proposals Map. The site is also within the Jodrell Bank Consultation Zone as defined by the Proposals Map.

The site is on the western edge of Congleton and adjoins the settlement boundary. Loach Brook defines much of the eastern boundary of the site. The eastern element of the site is flat low lying land which forms the valley of the brook.

Part of the site is within Flood Zones 2 and 3.

The land raises towards the west. There are farm buildings at the southern end of the site adjacent to Sandbach Road, the remainder of the site is agricultural land. To the north of the site is a Scheduled Ancient Monument which is designated as a long barrow and is a well vegetated feature on the landscape.

The course of Loach Brook is also a well vegetated boundary. Congleton High School and community sports fields are to the east of the site.

A public right of way crosses the site from Sandy lane to Sandbach Road.

2. DETAILS OF PROPOSAL

This is an outline planning application for residential development comprising 200 dwellings with all matters are reserved with the exception of access.

Two points of access, both from Sandbach Road have been suggested for consideration.

63 affordable housing units are proposed which would represent 30% of all dwellings (41 social rent and 22 for intermediate tenure). The proposed development would provide a mixture of 2, 3, 4 and 5 bed dwellings which would be a mixture of two and two and a half storeys in height. The scheme would be developed at a density of 30 dwellings per hectare.

A central equipped play area is to be provided along with public open space throughout the development. A community park, which will be retained as managed grazing land, is proposed in the northern part of the site.

A network of footpaths, cycleways and green corridors are proposed. The scheme also includes the creation of large areas of landscaping on the boundaries and throughout the site.

Off site works will include the creation of bus stops, new footpaths/cycleways along Sandbach Road and Holmes Chapel Road, and improvements to junctions within the town.

3. RELEVANT PLANNING HISTORY

33542/9 – Advertisement refused for a flat board directional sign on 5th November 2001.

25008/3 – Planning permission refused for agricultural workers cottage on 16th March 1993.

24327/3 - Planning permission refused for an agricultural workers dwelling on 7th July 1992

11634/3 – Planning application withdrawn for the erection of agricultural building for sleep/feed cows on 24th July 1980.

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development

PPS: Planning and Climate Change – Supplement to Planning Policy Statement 1

PPS 3 Housing

PPS 5 Planning for the Historic Environment

PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

PPS 23 Planning and Pollution Control

PPS 25 Development and Flood risk.

Local Plan Policy

PS3 Settlement Hierarchy

PS8 Open Countryside

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR6 and GR7 Amenity and Health

GR9 and GR10 Accessibility, servicing and provision of parking

GR13 Public Transport Measures

GR14 Cycling Measures

GR15 Pedestrian Measures

GR16 Footpaths Bridleway and Cycleway Networks

GR17 Car parking

GR18 Traffic Generation

GR19 Infrastructure

GR20 Public Utilities

GR21 Flood Prevention

GR22 Open Space Provision

GR23 Provision of Services and Facilities

NR1 Trees and Woodland

NR2 Statutory Sites

NR3 Habitats

NR4 Non-statutory sites

NR5 Habitats

H1 Provision of New Housing Development

H2 Provision of New Housing Development

H6 Residential Development in the Open Countryside and Green Belt

H13 Affordable Housing and Low-cost Housing

RC1 – Recreation and Community Facilities – General

RC4 – Countryside Recreational Facilities

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Housing

No objection. The site is located in the Somerford Parish, which for the purposes of the SHMA 2010 is included in the Congleton Rural sub-area. The site is immediately adjacent to Congleton Parish which is in the Congleton sub-area.

Annual need for affordable housing across the two sub areas is 43 units (33 in Congleton and 10 in Congleton Rural). In addition, there are 182 people who currently have ongoing housing applications for the Congleton area.

The Affordable Housing Interim Planning Statement has a requirement for 30% of units to be affordable. Of the proposed 200 units, 63 affordable housing units are proposed (41 social rent and 22 for intermediate tenure) which meets the 30% requirement and the recommended tenure split of 65% social rent and 35% intermediate tenure.

Environmental Health

- Recommend condition for additional contaminated land investigations
- The air quality assessment has utilised 2009 monitoring data and has not highlighted any air quality issues as a result of the development
- Recommend a dust mitigation plan for the site
- Would like to see a Travel Plan implemented and monitored
- Require further details of the proposed scheme, in order to obtain the required standard of the WHO guidelines for noise
- Require details of proposed screening to local residential properties in close proximity to site in order to reduce noise from the development
- Require a condition for hours of construction and pile driving

Highways

Concludes that the proposals are acceptable providing local improvements are provided and there are financial contributions to further local improvement or traffic management.

The Strategic Highways Manager also recommended that the following conditions are attached to any planning permission which may be granted for this development proposal:

1. Detailed design and construction plans for the proposed vehicular access to the site and for all proposed improvements at off-site highway locations.
2. The developer to construct to completion the proposed access junction to the A534 together with all proposed cycleways and bus stop facilities.

3. Sum of £25,000 towards junction improvements to the Rood Hill traffic signal junction. These improvements will take the form of pedestrian improvements and signal controller updates. The monies will be secured via a Section 106 Agreement under the Planning Act 1990.
4. Provide a detailed Travel Plan based on the structure of the Travel Plan Framework.
5. The developer to provide a capital sum of £5,000 to the Authority for the annual assessment of the Travel Plan report from the appointed Travel Plan Co-ordinator. The monies will be secured via a Section 106 Agreement under the Planning Act 1990.

Education

There is sufficient places within the local primary and secondary schools to accommodate the pupils generated by this development.

Sustrans:

- Will generate a significant amount of traffic
- Cycle/pedestrian paths are fully supported
- Cycle track on Sandbach Road should extend into Brick Lane to provide safe access to Congleton High School.
- On Holmes Chapel Road should extend into the service road on south side of A54
- Further enhancements suggested on National Cycle network
- Design should allow for storage of bikes and buggies
- Estate roads should have speed limit of 20mph

Environment Agency:

- Loach Brook runs along north-eastern boundary of site. The land adjacent to the brook is within Flood Zones 3 and 2, which have a high and medium probability of flooding respectively.
- The submitted FRA explains that there are to be no new buildings within either flood zone which is acceptable.
- The FRA explains that buildings adjacent to Flood Zone 2 will be set at a minimum level, which is the relevant 1 in 100 year plus climate change river level plus 600mm freeboard which is acceptable in principle.
- Suggest a condition for a scheme to limit surface water run-off to be submitted and approved. This is to prevent flooding and ensure satisfactory storage of/disposal of surface water from the site
- The FRA demonstrates that the discharge of surface water from the proposed development is to be the mean annual run off from the undeveloped Greenfield site which is acceptable in principle.
- The FRA demonstrates that attenuation will be provided above the allowable rate up to the 1% annual probability event, including allowances for climate change. This will be by SuDS which is acceptable in principle. A condition is suggested for a scheme to be submitted to manage the risk of flooding from overland flow of surface water. The reason is to reduce the risk of flooding.

- During times of severe rainfall, overland flow of surface water could cause a flooding problem. The site layout is designed to ensure new buildings will not be affected and that safe access and egress is provided.
- A suggested condition for a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, is to be submitted and approved. The scheme shall include the extent and type of new planting, details of maintenance regimes, details of any new habitat created, details of treatment of site boundaries or buffers around water bodies. This is to ensure the protection of wildlife and supporting habitat enhancement.
- A detailed method statement for the removal or long term management of Canadian pondweed & Himalayan balsam on the site should be submitted and approved. Including measures to prevent the spread of the invasive species. Any soils brought to the site should be free from seeds/roots/stems.
- A condition requiring the submission of a scheme for the provision and management of a buffer zone alongside the watercourse. The scheme shall include plans of the extent and layout of the buffer, a planting scheme, protection of the buffer zone during development, details of any footpaths, fencing and lighting. The buffer zone needs to be at least 8m wide for the whole of the extent of the site

United Utilities

Object on following grounds:

- Public foul sewer system currently at capacity and cannot accept additional flows; increased flows could result in a severe environmental impact on receiving watercourse and/or flooding in the sewerage network.

Greenspaces

- There would be a deficiency in the quantity of provision of amenity greenspace accessible to the development
- Therefore there is a need to provide greenspaces within the boundary of the site. In the absence of a housing schedule the amount would be expected to respect the new population based on 2.4 persons per dwelling. This would equate to 4800m².
- Taking into account the amount of public open space proposed within the area of development which accounts for over 50% of the site area, the quantity of the areas of POS would seem adequate, although more detail on landscaping proposals would be sought
- A proportion of the site is within a floodzone and in addition water attenuation ponds and balancing areas are proposed. Whilst this will promote biodiversity and requirements to comply with SuDS it has never been the Council policy to take transfer of areas of POS which have water bodies located in, around or running through them due to additional liabilities and maintenance implications. Therefore it is suggested that consideration is made for this area of POS to be transferred to a management company along with any wetland area
- Any water or wetland area would not be classed as useable open space and would be deducted from the total area of amenity greenspace
- The green infrastructure, which includes the retention of mature trees and hedgerows, new 50m structural woodland planting, green corridor along the eastern boundary, community park containing the attenuation ponds, all should be considered in some depth in light of future maintenance implications, planting distances in relation to buildings, and

species type of trees. Liabilities and maintenance implications mean Greenspaces would look to a management company

- New cycle and footpath links are appreciated and welcomed, all obligations relating to public highway and other footpaths need to be made clear and careful consideration to line of sight planting should be made. Clarification of ownership of these area is also sort.
- It could take up to two years to eradicate the Himalayan Balsam
- There is amenity greenspace along The Avenue surrounding the informal play area which could be maintained by the Council. Confirmation of the size would be required, for determining the financial contribution for maintenance from the developer. Planting should be kept to a minimum and low to ensure good surveillance.
- Financial contributions cannot be calculated due to uncertainty of the area at this stage but should be calculated at a rate of £118.25 per 10 square metres per annum for 25 years.
- There is a requirement for new Children and Young Persons provision to meet the future needs arising from the development.
- A play area is proposed along The Avenue centrally located within the site. The NEAP (Neighbourhood Equipped Area for Play) standard play area would be acceptable. This should cater for all age ranges and include 8 items incorporating DDA inclusive equipment, using play companies agreed by The Council. Would request the final layout to be agreed with CEC, construction should be to CEC specification. Should be submitted and approved prior to the commencement of development. A 30m buffer from residential properties would be required.
- Based on 200 dwellings using 2.4 bedrooms/persons per dwelling providing the NEAP standard play is provided on site a commuted sum only for a 25 year maintenance period would be required. The financial contributions sought from the developer would be £143,280.

Public Rights of Way

It appears that the development will affect Public Footpath No.7 Somerford, if this is the case then the developer must apply for a diversion of the route. If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route.

Jodrell Bank

No comment

Natural England

- Site is hydrologically linked to nearby SSSI's to the north. Consideration should be given to ensure that the SSSI and the water resources within the designation are protected from changes in water levels and through pollution during construction and post development
- Also SSSI's to the west. Will be no direct impact. However, they do form part of the nationally important series of open water and peatland sites known as the Meres and Mosses. These sites are susceptible to changes to their water tables and water chemistry. Indirect impacts to these SSSI's may appear to be insignificant due to their distance from the development, but will be dependent on the way in which sewage is dealt with. Sewage will be directed to main sewer and therefore SSSI's are not susceptible to main sewer discharges and would be unlikely to be impacted upon.
- Further surveys for Great Crested Newts required

- If bats found in the roof voids then appropriate compensation will be required to be in place before any demolition takes place
- Proposed bat mitigation is adequate, but would prefer integral features designed into new dwellings rather than bat boxes. Take up can be sporadic
- Loach Brook is suffering from overshadowing. Additional planting is proposed as part of landscaping scheme. Therefore, careful consideration needs to be given to appropriate species and location of planting so that overshadowing is not compounded
- Long term management of invasive species required
- Greater detail required at design stage of appropriate treatment of cycle route close to badger sett.
- No significant impact on Peak District National Park
- Whilst not within a protected landscape, it is important that the development is congruent with and recognises the landscape in which it sits. Local Authority must also ensure that the design, scale and location are compliant with their own policies and that the detail reflects local character and vernacular.
- Pleased with consideration of sustainability, recommend a condition for the inclusion of sustainability techniques. Other techniques can be incorporated into the development.
- Pleased with inclusion of Green Infrastructure. Encourage consideration of land as functional green infrastructure and opportunity for food production for the purpose of residents.
- Support conclusions of Travel Plan.

English Heritage

- Claims over the status of the Scheduled Ancient Monument should be disregarded.
- Setting of SAM is of considerable importance to its significance and should be safeguarded.
- Level of development at the Loachbrook farm end of the landholding could be accommodated without detrimental impact on the monument and its setting.
- Advise against change of use from agricultural pasture to country park due to concern about the long term security and stability of the management of the monument and its setting under the regime of a recreation area. Consider that some of the proposed features (such as the footpath around the eastern boundary) could be accommodated whilst retaining the field under pasture in an agricultural regime.

CEC Archaeology

- No direct physical impact on SAM. As such Scheduled Monument consent is not required.
- Will be an impact on the setting of the SAM which English Heritage will comment on.
- Do not consider that the site has sufficient archaeological potential to require further pre-determination work.
- However, the topography and history of finds in area indicate that there is sufficient potential to justify a programme of archaeological mitigation in the form of a programme of fieldwalking with an emphasis on prehistoric lithic material followed by gridded shovel testing of topsoil to investigate the concentration of material and the subsequent excavation of areas where significant concentrations detected.
- A watching brief should also be maintained in any areas where the alluvium is disturbed along Loach Brook.
- Also recommend a condition to detail works for footpaths to the north.

- Some elements of Loachbrook Farm appear on the 19th Century Tithe Map, where such elements survive they should be recorded before demolition.

6. VIEWS OF TOWN/PARISH COUNCILS

Congleton Town Council

Recommend refusal on following grounds:

- Outside residential zone
- Flooding – full survey required
- Size of development
- Highways impact on local network
- Contrary to Policy H6 of Local Plan

Somerford Parish Council

- SPC not consulted, only received a flyer
- Not within town boundary
- Need for 200 houses does not fit Council objective – focus on Crewe
- Greenfield site
- Pressure on infrastructure and amenities – further problems on transport network
- Schools are currently full
- Recent approval in Astbury for 52 dwellings – further strain on infrastructure
- Concern over cycleway/pedestrian access onto A54
- Historical burial ground
- Loss of productive farm land

Newbold Astbury cum Moreton Parish Council

- Outside Settlement Zone Line and is Open Countryside
- Loachbrook forms a natural boundary
- Policy PS8 – does not conform with this policy
- How is provision of 200 dwellings essential, could be accommodated in town
- Remove agricultural land
- Contrary to Policy H6
- Not an Allocated site
- Concern raised over flooding and drainage

7. OTHER REPRESENTATIONS

36 letters of objection received from 1, 146, 148, 150, 152, 156, 158, 160, 166, 168, 170, 174, 176, 178, and 180 Holmes Chapel Road, 16 Chestnut Drive, 80 and 82 Sandbach Road, 15 and 137 Longdown Road (x2), Chapel Cottage (x2), The Cottage (x2), and Whetstone Edge Farm, Wallhill Lane, 413 Crewe Road, 57 Brooklands Road, 16 Padgbury Lane, 19 Chelford Road, Sandy Lane Action Group (SLAG), 2 Orchard Way, West Lodge, Rosslyn, and Moors Farm, Church Lane. The salient planning points raised are:

Land Use

- Lack of need for housing in Congleton/Somerford, lack of evidence

- Policy directs Greenfield development towards Crewe, proposal against national guidance
- Outside settlement boundary
- Loss of countryside, development on green belt, unspoilt river valley
- Brownfield sites should be developed first
- Loss of agricultural land, class 2 and 3, impact on food supply
- Enough parks in Congleton
- Level of housing is disproportionate, level of affordable housing is disproportionate for rural parish
- Site opposite an area where an Inspector considered that industrial development would be detrimental rural aspect
- Plenty of low cost housing in Congleton
- Burden on existing services in town
- Schools are full to capacity
- Infrastructure cannot sustain development
- Would impact rural approach into town
- Imbalance between housing and employment - will generate out commuting
- Density of development out of character with area
- No objection to development on farm house site
- SHLAA identifies the site as not being suitable, potential for 750 houses in the town

Highways

- One point of access unacceptable, will lead to highway danger
- People will not use crossing at Box Lane – will cross directly
- Proposals would add to congestion problem in town at main junctions, extra 400 cars, people will use rural lanes to avoid congestion
- Extra traffic and people will affect nature diversity in area
- Development will necessitate movement by car to employment and facilities
- Reduction of speed limit will not prevent collisions
- Increase in traffic for visitors to community park
- Bus shelter is a traffic hazard
- Traffic Plan is aspirational – not clear how it will be policed
- Traffic report counts out of date

Design

- Impact on the character of the area
- Landscape and Visual Assessment is mainly focussed on Holmes Chapel Road
- Destruction of a fine example of a Cheshire Farm House and Buildings

Amenity

- Lighting problems to proposed development from nearby floodlights
- No streetlighting

Other

- Site is on a EA Flood Zone (zones 2 and 3), development will lead to further surface water run off
- Impact on Scheduled Ancient Monument/Long Barrow, will impact original setting
- Concerns regarding utilities – sewage, electricity, water, gas
- Impact on air quality/pollution
- Impact on wildlife corridors

- Cattle buried on site following foot and mouth
- What protection of trees will there be
- Maintenance cost of open space will fall on council
- Loss of vegetation – trees, hedgerows

In addition one letter of general comments received from 2 Buckbean Way, Goostry which support comments raised by Countryside Access Development Officer.

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, with all matters reserved for subsequent approval with the exception of access, the main issues in the consideration of this application are the suitability of the site, in principle, for residential development having regard to matters of:

- Planning policy,
- Housing land supply,
- Affordable housing,
- Amenity,
- Ecology,
- Landscape,
- Drainage
- Flooding.
- The suitability of the proposed site access, its impact on highway safety and the proposed impact on traffic generation require full consideration.

PLANNING POLICY AND HOUSING LAND SUPPLY

The Development Plan and Related Planning Policy

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where Policy PS.8 states that only development which is essential for the purposes of:

- Agriculture and forestry,
- Outdoor recreation,
- Development for employment purposes or,
- Generally, for other uses appropriate to a rural area will be permitted. Housing development is permitted where the proposed development is required to support a rural enterprise,
- Controlled infilling,
- Affordable housing (in compliance with the rural exception policy), proposes the conversion of rural buildings,
- Replacement dwelling, or
- The redevelopment of employment sites.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act

2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

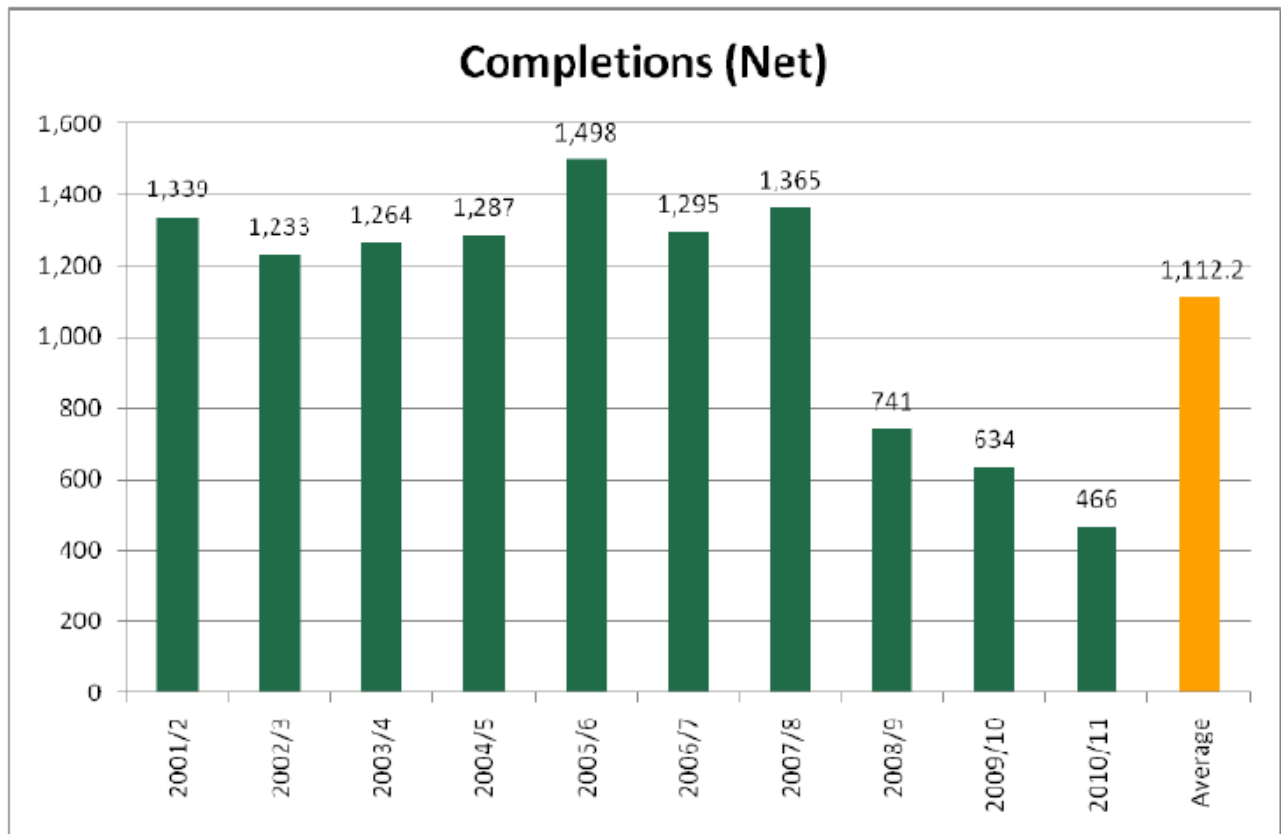
Housing Supply

The Council intends to continue to rely upon the figures contained within the Regional Spatial Strategy until such time as the LDF Core Strategy has been adopted. The RSS proposed a dwelling requirement of 20,700 dwellings for Cheshire East, as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. The Council’s Cabinet has decided that the Council will continue to use the RSS housing requirement figure for a minimum of 1,150 net additional dwellings to be delivered annually, pending the adoption of the LDF Core Strategy. Correspondence from Government Office for the North West confirms that in order to establish the appropriate housing requirement for Cheshire East, the district figures included in the published Regional Spatial Strategy (RSS) should to be added together to give the new unitary authority requirement.

The DCLG advice ‘Demonstrating a 5 Year Supply of Deliverable Sites’ has been withdrawn and the Government are not committing themselves to producing any new advice beyond the current PPS3 or its replacement. Never the less the Cheshire East SHLAA (November 2010) identified that at 31st March 2010 the Borough had a 4.48 year supply of identifiable ‘deliverable’ sites. This equates to some 5150 homes. To be considered ‘deliverable’ sites PPS 3 advises that they must be ‘available’, ‘suitable’ and ‘achievable’ – in other words there is a reasonable prospect that housing will be delivered on the site within 5 years.

This latter category presents a particular difficulty at a time of recession. Currently house building in the Borough is almost at a third of its pre-recession levels. The reason for this is not necessarily a shortage of land– but rather a shortage of finance, especially for first time buyers – and other factors within the economy which are depressing the housing market.

This is illustrated by the pattern of house building over the past ten years illustrated in the graph below. This shows that completions ran consistently at between 1200 - 1500 units per year through most of the 2000’s. However with the banking crash of 2007/08 construction severely declined as housebuilders were unable to sell properties on the open market. To satisfy current market conditions it can be argued that land for a mere 2330 dwellings need be provided over the next 5 years. Indeed to meet the intended target of 5750 homes over the next year, building rates will need to improve by some 87% from their performance over the past 3 years and a significant 147% from that achieved last year. In contrast the most Housing Industry forecasts expects completions to rise much more modestly next year



These figures illustrate two key points.

The first is that what constitutes an 'achievable' site (and hence a 'deliverable' one) varies enormously according to market conditions. As the market declines then so does the range of 'achievable' sites, as has happened in the past three years. Conversely as the market improves, so does viability, and therefore the number of sites that is brought within the 'achievable' range correspondingly also improves. According to the SHLAA such sites total at least another 1,000 homes.

Secondly, current 'deliverable' housing land will easily provide a five year supply at current levels of completion – and also if the 'recession' average of the past three years is employed. Given the very significant rise in completion rates that would be necessary to achieve the RSS average of 1150 new homes per year, it appears highly doubtful that even if a 'cast iron' five year supply was available, that the target would in fact be met.

What these factors point to is the level of 'harm' that results in the short term by not achieving a 5 year supply against RSS figures – and the extent to which the Council should therefore set aside other considerations as a consequence

In the longer term it is evident that housing supply must increase to counteract the effects of the recession. The annual RSS housing figures are based on an average attainment over a 20 year period – and this allows for construction to recover as the market improves.

Ahead of this, the Council is already taking steps to improve housing supply ready for the recovery, but in line with the Community's aspirations. An Interim Planning Policy for the Release of Housing Land was adopted by full Council in February 2011 and with the intention that it be used in the determination of planning applications. This policy allows for

the release of appropriate Greenfield sites for new housing development on the edge of the principal town of Crewe and encourages the redevelopment for mixed uses, including housing, of previously developed land within settlements. This focus on Crewe follows the approach to growth and development within the Council's Community Strategy which was adopted following widespread consultation. The Community Strategy and Interim Planning Policy are material considerations in the consideration of this application.

The policy is now bearing fruit, with applications now received on the north side of Crewe at Coppenhall East and Barrows Green – and at Crewe Road Shavington in the south. Further applications are also known to be in the pipeline. Collectively these applications provide capacity for some 1200 additional homes.

Consequently whilst the SHLAA identifies a shortfall against a housing land supply, there are factors to show that supply is improving across the Borough and that it is not land supply that is the primary factor in constraining housing completions. Consequently this suggests that other considerations should properly be taken account of in the assessment of the application.

Spatial Vision

Members will recall that at the meeting of the Strategic Planning Board on 6th October 2010 a report was considered relating to Issues and Options for the Local Development Framework Core Strategy, which outlined 3 options for apportioning growth across Cheshire East. Although each of the options is different, the common theme between them is an emphasis on growth in Crewe. Therefore, whilst the options are under consideration, and there is uncertainty as to which option will be taken forward, it is appropriate that any Greenfield development required to make up a shortfall in housing land supply should be directed to Crewe. PPS1 2005 in *The Planning System: General Principles* at para. 14, states that:

“Emerging policies in the form of draft policy statements and guidance can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review, and the circumstances which led to that review may be need to be taken into account.”

Paragraph 69 of PPS 3 states that in determining planning applications, local planning authorities should have regard to a number of criteria, including, inter alia:

“ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.”

Paragraph 72 of PPS.3, states that LPA's should not refuse applications solely on the grounds of prematurity. However, PPS1 also deals with the question of prematurity to an emergent plan, and advises that in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect is so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.

The Cheshire East SHLAA identifies numerous sites around Congleton Town which have potential for residential development. Several are considered to be better related to the urban area and more sustainable in their location than the application site. Indeed when the SHLAA map is viewed it is apparent that there are a multitude of options for the town's expansion. The application site is not an obvious "first choice" amongst this selection and therefore it does pre-empt proper consideration of the future direction of the Town of Congleton.

Recent Appeal Decision – Hind Heath Road, Sandbach

Members will be aware of the decision by Strategic Planning Board to refuse an outline planning application for the development of up to 269 dwellings at Hind Heath Road, Sandbach. Following a Public Inquiry an Inspector recommended that the appeal be allowed, however the appeal was recovered for the Secretary of State's determination who subsequently dismissed the appeal.

At the Public Inquiry for the above proposal there was an agreement between both the appellants and the Council that figure for housing land supply was more likely to be between 2.75 and 3.25 years supply. Which equates to a shortfall of between 2000 and 2600. It is therefore accepted that the housing land supply position is somewhat more critical than identified in the SHLAA. It should be noted that this is an evolving figure which is subject to continuing change.

The decision of the Secretary of State placed much emphasis on the housing land supply of the town of Sandbach itself. The town of Sandbach has a 5 year supply requirement of 375 dwellings. The 2010 SHLAA identifies that around 600 dwellings would be delivered over the 5 years. At the Inquiry the Council revised its figure to 410, whilst the appellant argued that around 280 dwellings would be delivered. The Secretary of State agreed with the Council's revised estimate as being more accurate and that there was sufficient land in Sandbach to meet the 5 year requirement.

With regard to the recently adopted Interim Planning Policy little weight was given to this by both the Planning Inspectorate and the Secretary of State, although there was no debate about applications that would be submitted in its wake. While the spatial objectives of prioritizing Crewe as a focal point for development is noted it was concluded that there would be scope for development in the other towns of the Borough.

The issue of regeneration was also considered. The Regional Spatial Strategy places an emphasis on development using existing buildings and previously developed land within settlements with an indicative target set of 80%. The Council considered that if the appeal proposals were developed then only 59% of housing building in the 5 year period would be on PDL. The Inspector considered that this would not cause material harm to the regeneration proposals. The SoS however did not agree with that conclusion and stated that if that proposal was to go ahead then it would make it extremely difficult for committed brownfield sites to be developed.

The Secretary of State also considered that the shortage of local employment, the distance between the site and the town centre and the limited options available for sustainable public transport weighed against the proposed development.

Implications of Appeal Decision in the Determination of this application

With regard to the housing supply issue for the town of Congleton. The Council has yet to carry out a 5-year housing land supply assessment for each town, prior to the appeal decision it has always been the Council's intention to make an assessment on housing land supply across the Borough as a whole.

The applicants agent have carried out their own assessment of the housing land supply issue for the Congleton. The assessment considers that there is an annual requirement for Congleton Town to provide 90 dwellings per annum (based of 30% of 300 dwellings as identified in Local Plan Policy and RSS targets). That assessment has also looked at the past performance of the town and identified that there was a shortfall of 283 dwellings between 2003 and 2011. They consider that this shortfall should be made up over the five year period between 2011 and 2016, which equates to an additional 57 dwellings per annum. They therefore consider that there is a requirement to provide 147 dwellings per annum in Congleton Town over a 5 year period, or 733 over 5 years. The assessment has also looked at gross commitments for the town which shows a supply of 350 dwellings, which is well short of the 733 5-year requirement. The assessment goes on to discount a further 115 dwellings from the supply figure, on the basis of lapsed permissions, and the availability or achievability of the committed site. They therefore consider that Congleton Town has a 5 year supply of 235 dwellings or 1.6 years. They identify that this is a shortfall of 498 dwellings over a 5-year period.

The Council does not agree with the suggestion that there is only a 1.6 year supply of deliverable housing sites in Congleton. The suggested lapsed permission is under construction whilst their information about a number of sites is out of date. Furthermore, the suggestion that sites without planning permission should not be included in the 5 year supply is not in line with the method set out in the SHLAA or the approach taken at recent appeals.

In our view the Hindheath Road appeal addressed the particular circumstances of that site and of the town of Sandbach. They cannot automatically be read across into this application. The Council's case has consistently been that housing supply should be considered across the Borough as a whole.

SITE SPECIFIC CONSIDERATIONS

PPS 3 tests

Planning Policy Statement 3 states that where an up-to-date 5 year supply of deliverable sites cannot be demonstrated then LPA's should consider favourably planning applications for housing development, taking into consideration policies contained within PPS3 and paragraph 69. Paragraph 69 states that in determining planning applications regard should be given to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area

and does not undermine wider policy objectives eg addressing housing market renewal issues.

Therefore the Council should employ these tests in considering the application proposal.

Sustainability of Site

The application site is located on the western most periphery of the town. It is acknowledged that there are bus routes along Sandbach Road and Holmes Chapel Road and the proposed development would seek to provide new bus stops on Sandbach Road to serve the proposed development. Furthermore, the proposed scheme includes significant enhancements of cycle and pedestrian networks from the site into the town and surrounding areas. In this respect the scheme offers adequate alternatives to the use of car by means of bus, cycle and on foot. The application site is some 2km from the town centre whilst the train station is sited on the opposite side of town at a distance of approximately 4.5km. A local centre at West Heath which provides a range of shops, including an Aldi, is approximately 800m from the edge of the application site, whilst there are secondary and primary schools within 600m of the site. Notwithstanding this, there are alternative developable sites identified within the SHLAA which would be more sustainable in terms of proximity to the town centre and train station.

With regard to employment, Congleton provides 9,900 or 6% of jobs in Cheshire East. The town is currently a net exporter of labour meaning that more people who live in the town travel outside to work, rather than work within the town. 2001 census data indicates that 51.4% of people who live in the town out commute to work. The Congleton Employment Land Study, commissioned by the Town Council and Partnership, has identified a lack of flexible employment space in the town. Recently, planning permission has been granted for housing development at Bath Vale Works (to the east of the town) on a site previously used employment purposes. This scheme and others in the town highlight a wider trend of pressure on other employment sites for alternative uses, such as housing and / or other commercial uses.

Whilst it is accepted that the proposed site offers access to alternative means of sustainable modes of transport, the site is beyond the most westerly edge of the towns settlement boundary and some distance from the town centre and train station. Furthermore, the proposed development is likely to result in greater out-commuting. The development of the site would not be consistent with the Governments objective for climate change which adds weight against the development of this site for housing.

Provision of Affordable Housing

The proposed development will provide 63 affordable units (41 social rent and 22 for intermediate tenure) within the proposed 200. This equates to a provision of 31.5% affordable units. The Interim Affordable Housing Statement requires that developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure. The proposed development is in compliance with the requirements of the Affordable Housing Statement and could be secured by Legal Agreement if approved. Therefore, the level of provision is acceptable.

It is acknowledged that the site will provide just over 30% affordable housing and will contribute towards providing a mix of housing in the development. However, it should be

noted that this is the minimum policy requirement of the Interim Statement on Affordable Housing, and is expected for all new developments, including those within the Settlement Boundary and on Brownfield sites where there is a presumption in favour of new development. It is acknowledged that viability arguments have been accepted in respect of some Brownfield sites, where the immediate regeneration of those sites has been seen to outweigh the need for affordable housing. However, it is not considered that, by default, this renders a scheme which provides the minimum amount of affordable housing in order to be policy compliant, so exceptional as to warrant a departure from the Local Plan in respect of development within the open countryside.

Impact on the Character and Appearance of the Landscape

The site is approximately 17.27 hectares and occupies a large proportion of the parcel of agricultural land to the west of Congleton between Sandbach Road to the south, Sandy Lane to the west and Holmes Chapel Road to the north. To the east and north east of the site is Congleton High School and playing fields.

The land at the eastern part of the appeal site is relatively flat forming part of the flood plain for Loach Brook. The land rises noticeably to the west towards Sandy Lane. Loach Brook defines the eastern boundary of the site and the vegetation along the route of the brook provides a strong visual buffer between the settlement and Open Countryside, creating a soft transition. The land is in use for agriculture.

The only built development adjoining the boundary of the site is that of Congleton High School. Within the site, to the north, is a long barrow, which is a Scheduled Ancient Monument and is heavily vegetated.

The submission includes a Landscape and Visual Assessment (LVA). The LVA states that the methodology used encompasses the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA) published by the Institute of Environmental Assessment and the Landscape Institute (2002) and 'Landscape Character Assessment. Guidance for England and Scotland' (LCA) published by the Countryside Agency and Scottish National Heritage 2002. The baseline conditions are based on Natural England's Countryside Character Assessment defining the site as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Character Assessment (adopted in 2008) which identifies the site as being located in Landscape Type 10: Lower Farms and Woods, the site is also located within the Brereton Heath Character Area: LFW2.

The Council's Landscape Architect does not agree that the assessment which has been carried out. It is at variance with the guidelines and does not provide a thorough landscape and visual assessment of the area or the impact that the scheme would have. It is considered that the visual assessment offers no indication of the sensitivity of receptors or viewpoints and does not offer an indication of the magnitude of visual impact. The Council's Landscape Architect considers that the significance of the visual impact of the proposed development would be far greater than shown. Furthermore, the Landscape architect does not agree that the visual effects during construction in the short term would be minor adverse, reducing to negligible in the longer term.

In terms of the impact on the landscape, the Council's Landscape Architect considers that the assessment has not adequately addressed this. The methodology should assess the capacity of the landscape to accept change and the magnitude of the landscape impact that would be caused by any such change.

It is considered that the SAM forms an important feature in the local landscape character of the area and the proposed development would not enhance the feature. The proposed development has the potential to adversely affect the local landscape character. The Councils Landscape Architect suggests that the proposed development would fail to respect or enhance the landscape character of the area and would lessen the visual impact of landscape features when viewed from areas accessible to the public. The proposals would also fail to pay regard to the intrinsic qualities of the site, the character of its surroundings and would not preserve openness or maintain local character. The proposals would therefore be contrary to Policies GR5, GR3 and PS8 of the Local Plan.

In addition, the proposed residential development would not be well related to existing built form. To the east of the site is Congleton High School, between which is strong vegetated boundary along the course of Loach Brook, which provides a strong visual boundary which softens the transition between the open countryside and the town of Congleton. The proposed development does not form a logical extension to the settlement extend built form into the open countryside to the detriment of the local landscape character.

Whilst the site has no national protective landscape designation it has local landscape value and the development proposed would inevitably alter the landscape character of the area.

Impact on landscape features (trees and hedgerows)

The submission includes an Arboricultural Assessment incorporating a tree survey which covers 10 individual trees and three groups of trees. The indicative scheme proposes the removal of three trees, one category B tree and two category R trees, which is a small number in the overall tree stock on site. The scheme proposes extensive new planting as part of the structural landscaping of the site. Comprehensive tree protection and landscaping conditions should be attached to any approval.

There are a number of lengths of hedgerow in the vicinity of the site. Should the site be developed, there is the potential for hedgerow loss. However, as the proposal is in outline with layout reserved the full implications are not apparent. It is however apparent that a stretch of hedgerow will be removed to accommodate the proposed site access from Sandbach Road. Taking into account Policy NR3 of the Adopted Congleton Borough Local Plan First review, the hedgerows need to be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The criteria cover ecological and historic value.

With regard to ecological criteria, the submitted ecological appraisal has assessed the hedgerow with regard to its ecological value. The report identifies that this and all other hedgerows cannot be considered to be important due to the lack of species present. The ecological consultation agrees that none of the hedgerows on the site appear to be important from an ecological perspective.

With regard to specific historic criteria, no information has been submitted to demonstrate that this hedgerow has no historical value and it is therefore unclear whether the proposed development would result in the loss of an important hedgerow.

Should the hedge 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.

Impact on Amenity

The site is bounded to the south and west by open countryside, to the north is Holmes Chapel Road and Congleton High School is located to the east of the site. The layout and design of the site are reserved matters. However, the indicative layout demonstrates that the site could be developed, without compromising the amenity of nearby residential properties. It should also be noted that the site would be developed at density of 30 dwellings per hectare and it is considered that this density would allow the development to be brought forward without impacting upon residential amenity of future occupants in terms of overlooking, privacy, and daylight.

Impact on Air Quality

An Air Quality Assessment has been submitted to support the application. The AQA concludes that the proposed development would have a negligible impact on sensitive receptors and does not recommend any mitigation measures. Environmental Health have raised no objection but have suggested that a further survey be carried out as part of any Reserved Matters application. This could be secured by condition.

Impact of Noise

A Noise Assessment has been submitted to support the application. The assessment recommends a series of mitigation measures to be carried out to reduce the impact of noise on the future occupants of the proposed dwellings, primarily from Sandbach Road. The proposals include the installation of acoustic glazing and fencing. This is based on the indicative layout which could be subject to change at the detailed design stage. Notwithstanding this the provision and extent of mitigation measures could be secured by condition.

With regard to noise impact on surrounding properties, Environmental Health have suggested that details of fencing but submitted along with restrictions on the hours of construction and details of pile driving. Again, these can be secured by condition.

Contaminated Land

A Phase 1 Desk Study has been submitted to support the application. The application site is currently in agricultural use, there is an above ground fuel store on the site, whilst land adjacent to Loach Brook is within a flood zone. The proposal is for residential development which is a sensitive end use. This report has been assessed by the Council's Environmental Health Department. Environmental Health have recommended, in line with the results of the report, that a further Phase 2 investigation be carried out which could be secured by condition.

Impact on Scheduled Ancient Monument

To the north of the site is a Scheduled Ancient Monument (SAM). This SAM has been identified as being a prehistoric long barrow. The application submission disputes whether this is actually a prehistoric long barrow. However, for the purposes of considering this application the feature to be a designated SAM.

The indicative layout shows a buffer zone of 130m between the SAM and the proposed housing. Furthermore, the proposed community park, which would surround the SAM will be

maintained as grazing land. The setting of the SAM is considered to be of considerable importance and comments from English Heritage have suggested that the proposed development at the Loachbrook Farm end of the development could be accommodated without causing a detrimental impact on the monument or its setting. They also consider that the land around the monument should be retained as pasture land. The revised scheme shows that this land would be retained as such, whilst retaining public access through a network public footpaths, and as such address those concerns identified by English Heritage. Notwithstanding this, it is still considered that the SAM is an important landscape feature and, as detailed in the landscape section of this report, the LPA has concerns over the impact of the proposed development on this as a landscape feature.

Impact on Archaeology

No archaeological objection has been raised after considering the submitted Heritage Statement. However, the history of finds in the area, and topography of the site indicates that there sufficient justification for a scheme of archaeological mitigation. Details of works at the northern element of the site, to provide the pedestrian/footpath network, are also considered necessary to confirm that there is no inadvertent intrusion into the Scheduled area. It is therefore considered that appropriate conditions could be attached to any permission to ensure that the further investigative works are carried out.

Impact on Sites of Special Scientific Interest

To the north of the site is the Dane Valley SSSI. This site is designated for its geology and landform character and is susceptible to changes in hydrology patterns. Surface water discharge from the development will be directed into Loach Brook which is a tributary of the River Dane. The submitted FRA demonstrates that the discharge of surface water from the proposed development is to be the mean annual run off from the undeveloped Greenfield site and will be controlled using sustainable drainage measures. Attenuation storage will be provided by a swale, detention basin and a pond. The proposed drainage system will be designed to store and dispose of storm waters arising from a 1 in 100 year event plus 30% for climate change. It is therefore considered that there would be no detrimental impact on the SSSI provided that these measures are implemented which can be secured by condition.

Impact on Protected Species

Initial surveys were considered to be insufficient in considering whether the proposed development would have an adverse impact on bats, barn owls and Great Crested Newts. Further surveys were therefore requested and have been received. The additional Bat and Barn Owl survey identifies that there was no evidence of roosting bats within any of the buildings or trees on site whilst the nocturnal survey identifies that there is little activity on site. Therefore, there is no constraint to development resulting from bats. The recommendation of the report is for further surveys to be carried out prior to the demolition of any building, the removal of trees to be carried out outside of the bird nesting season, and enhancement measures.

The further great crested newt survey identifies the location of ponds around the site combined with the fact that no great crested newts were present within the on site pond, (which was classed as having excellent potential for use by great crested newts using the HIS), means it is highly unlikely that great crested newts would be present within the site

and this species does not pose a statutory constraint to the proposed development. Furthermore, the proposed development would enhance the on-site pond.

The Council's nature conservation consultation has confirmed that they are satisfied that bats, great crested newts and barn owls are not likely to be present or affected by the proposed development.

A badger sett has been identified as being present on site. The Council's Nature Conservation consultation has confirmed that the applicant has submitted an acceptable impact assessment and mitigation proposals for the sett, and has suggested conditions for its preservation.

Impact on Flooding

Part of the application site is located within Flood Zones 2 and 3 as shown on the Environment Agency Flood Map. A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding.

It is clear that increased areas of hardstanding has the potential to increase flood risk from pluvial flooding and to Loach Brook. The level of surface water run off to the brook will be controlled so that run off is the same as the existing undeveloped/Greenfield site. It has been stated that sustainable surface water drainage principles will be utilised to control increased risk using above ground attenuation storage areas provided by a swale, detention basin and a pond. The drainage system will be designed to store and dispose of storm waters arising from a 1 in 100 year event plus 30% for climate change. The Environment Agency has confirmed that the scheme is acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water, a landscape management plan and an 8m buffer along Loach Brook.

Consideration also needs to be given to ensure that the proposed development would not be affected by flooding. The proposed development is in outline the layout is not to be determined. However, it is clear from the indicative layout that the development can be accommodated entirely on land within Flood Zone 1. It has been suggested that those properties closest to the flood plain have finished floor levels which are 600mm or greater above the fluvial flood plain which would provide greater mitigation from the risk of flooding. This is considered appropriate and can be secured by condition.

Impact on Utilities Infrastructure

The scheme proposes the foul water drainage system to be connected to the existing foul water sewerage system. Whilst a Utilities Appraisal has been submitted to support the application, this does not identify the capacity of the foul water drainage for the area. United Utilities have objected to the proposed development in that the public foul sewer system is currently at capacity and cannot accept additional flows. Increased flows could result in a severe environmental impact on receiving watercourse and/or flooding in the sewerage network.

The applicant has stated that there is a general duty to provide a system of public sewers, which is supplemented in the Water Industry Act 1991. They state that where a public sewer

already exists near to a development site, then section 106 of the 1991 Act allows the landowner to connect up to that public sewer. Section 106 states:

“Right to communicate with public sewers.

(1) Subject to the provisions of this section—

(a) the owner or occupier of any premises, or

(b) the owner of any private sewer which drains premises, shall be entitled to have his drains or sewer communicate with the public sewer of any sewerage undertaker and thereby to discharge foul water and surface water from those premises or that private sewer.”

Therefore, whether a developer of a residential site wishes to connect to an existing sewer or wishes to requisition a public sewer the sewerage undertaker is required to comply with the above provisions. The applicant also cites a Supreme Court decision in the case of *Barratt Homes Ltd v Dwr Cymru Cyfyngedig (Welsh Water)* [2010] 1 P & CR 25 which stated that:

“The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker.”

It is suggested by the applicant that a Grampian style condition may be appropriate, but lack of drainage should not form the basis for a reason for refusal.

Notwithstanding this, no information has been submitted to demonstrate how the foul sewage capacity would be mitigated for and it is therefore uncertain what level of measures would be required to resolve the issue. Furthermore, this would be at the cost of the developer and could provide significant financial burden on the scheme which could make the scheme unviable.

The proposed development at this time could be considered to be contrary to Policy GR20 of the Local Plan which states that development will only be permitted where the site can be adequately drained of foul and surface water without causing any environmental problem as a result of the ultimate discharge. GR23 (Provision of Services and Facilities) of the Local Plan also states that proposals which are likely to intensify or create shortfalls in the provision of essential services or facilities will not be permitted unless these are provided for as part of the development or a developer contribution is made to meet the identified shortfall. Given that details of any proposals/mitigation to compensate for the lack of capacity have not been submitted it is considered, at this time, that the proposals could lead to environmental issues which adds to the sustainability concerns for the site.

Design Considerations

This application is in outline with details of the appearance of the dwellings reserved. An indicative masterplan and Design and Access Statement has been submitted to support the design rationale behind the proposed design which are acknowledged and generally accepted. The proposed density of the scheme would be 30 dwellings per hectare and would comprise a mixture of two storey and two and half storey buildings. Whilst this is an outline application with details of appearance and layout reserved, a significant level of detail has been submitted to support the proposals. It is considered that a scheme of

acceptable design and appearance could be secured. However, the impact on the landscape as a result of the proposed development remains a great concern.

The indication that sustainable features will be incorporated into the development to generate 10% of the sites energy demand would be welcomed and could be secured through an appropriate condition.

Loss of Agricultural Land

The Soil Resources and Agricultural Use & Quality of Land report for this application identifies that of the 17.2 hectares surveyed, 26% (4.6 hectares) is grade 2 (very good) while 38% (6.5 hectares) is grade 3a (good). This land is classed as the best and most versatile agricultural land (defined as grades 1, 2 & 3a grade land).

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, there are national policy guidelines, set out in Planning Policy Statement 7 (PPS7), which highlight that the use of such land should be taken into account when determining planning applications alongside other sustainability considerations, including biodiversity and the protection of natural resources. This guidance also advises local planning authorities that areas of poorer quality land should be used (grades 3b, 4 & 5) in preference to higher quality land.

It is considered that there are no overriding reasons for allowing the development which is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review and PPS1 and PPS3 as explained within the principal of development section above. As a result, the development which would result in the loss of the best and most versatile agricultural land, which is not a sustainable form of development, is unacceptable and adds weight against the proposed development.

Provision of Open Space

Public Open Space

The indicative layout provides opportunity for public open space to be provided within the development proposals. As the proposed scheme is in outline, it is not clear at this stage how much would be required. However, based on the indicative figure of 200 dwellings, at 2.4 persons per dwelling this would equate to a requirement of 4,800m². Given the density of the proposed development and the size of the application site, it is considered that this could be accommodated. It should be noted that water or wetland is not considered to be useable open space and would be deducted from any figure. The applicants' agent considers that the indicative scheme would provide 9,700sqm of public open space, this excludes the community park, wetland and woodland block.

There is public open space within the proposed development, which the Council could be maintain. However, the size of the area is unclear at this stage. A financial contribution would be required to cover the cost of maintenance, which would be based on £118.25 per 10 sq metres over a 25 year period. This could be secured through a formula in a legal agreement.

Playspace

There would be an identified deficiency of playspace accessible from the proposed development, and therefore provision will be required to meet the proposed need. The indicative layout identifies a play area within the proposed development and Green Spaces have confirmed that a Neighbourhood Equipped Area for Play would be acceptable. This should include at least 8 items, including DDA inclusive equipment. The Council would want to agree final layout and would expect the scheme to be constructed to the Council's standards. A commuted sum would be required to cover the 25 year maintenance cost of the NEAP which would equate to £143,280.

Community Park

The scheme includes the creation of a Community Park at the northern end of the site. Revised plans show that this park would be maintained as grazing land. However this would be accessible to the public through a network of footpaths. The Council would not wish to formally adopt the Park, along with the land adjacent to Loach Brook and 50m structural planting along the western boundary of the site, for maintenance and liability reasons and would therefore suggest that a management company take responsibility for the land. This can be secured by legal agreement.

Highway Safety and Traffic Generation

This is an outline application, with all matters reserved with the exception of access. The application site would be accessed from Sandbach Road and alternative points of access have been suggested for consideration. The scheme also includes additional provision of new accessibility infrastructure in the form of new footway/cycle links, new bus stops and proposals for improvements to local major infrastructure junctions at Waggon & Horses and West Road roundabout.

The application detail is accompanied by a Transport Assessment (TA) which analysed the traffic impacts of the projected traffic generation against a scope for analysis which was agreed with the Strategic Highways Manager.

All forms of accessibility have been analysed within the TA, from pedestrian and cycle to bus, train and the car and the proposals identify all local facilities and include for upgrades to their infrastructure where appropriate. The application package also offered a Travel Plan for this residential proposal.

The proposed principal access to the site has been offered in two forms, one of which is favoured by the Strategic Highways Manager (SHM). Both junction proposals also propose an adjustment to the existing speed limit from a derestricted 60mph to 40mph and this would enable the provision of the necessary visibility splays in accordance with highway standards. Even with the proposed reduction in speed limit, the required visibility splays would require the removal of a significant length of existing hedgerow, which despite not being a specific highway concern, the SHM recognises may be an issue in planning terms. In any event, the proposed visibility splays can be provided, though at the expense of existing established hedgerow.

The SHM does recognise that the proposal will rely on the speed limit reduction to for the visibility splays to be acceptable. However, it is considered that this change to the speed limit would be justifiable and there would be no robust reason to resist such a change.

The junction design has therefore been assessed and it is accepted that the design meets highway standards. It is proposed as a simple priority junction with ghost island right turn lane. Such a layout would accommodate pedestrian refuge crossing facility to reach the proposed bus stop provision on the opposite side of Sandbach Road. The junction design has been the subject of a safety audit proposal by the developers consultant and the design detail adjusted to address concerns expressed by the SHM. The resulting junction design is demonstrated in Ashley Helme Drawing Number 1234/04, Option 1.

The design would form part of a S278 Agreement and the final detail negotiated under that agreement. This will be covered by a recommended informative.

The Transport Assessment was based on robust trip rates agreed with the Strategic Highways Manager and assesses a list of major network junctions which was also agreed. The Transport Assessment document is based on the provision of 210 residential units. The junction assessments demonstrate the surveyed results for existing traffic flow conditions at peak times and there are projected figures for traffic impact at projected times for development opening and future years in accordance with guidance. The offered design flows include for committed developments in the Congleton area and are accepted by the Strategic Highways Manager.

The majority of junctions show sufficient capacity to accommodate the traffic that will be generated from the site. However, 3 junctions do take a level of impact from the development which has been shown to have an effect on capacity which requires some contribution or provision from the development. The developer also conducted some local public consultation which drew attention to local concerns over traffic conditions at both the Waggon & Horses junction and the West Road roundabout. In response the developers highway consultant has designed improvement schemes for these two junctions which are supported by technical appraisal reports, though it should be noted that the Transport Assessment, whilst showing some impact on queuing at these junctions, does still demonstrate that the junctions will still work at an acceptable level in their existing form, though they will be close to capacity.

In any event the design solutions do require some further assessment before the SHM can determine their real worth and there will also need to be safety audit work completed to ensure the proposed schemes are appropriate. The Waggon & Horses design proposal recommends a redefined use of the circulatory carriageway of the roundabout, such that more capacity is created through adjustment of existing and the provision of new traffic lanes. The West Road roundabout design proposals recommend a revised roundabout island and a redefined use of the circulatory carriageway of the roundabout, such that more capacity is created through adjustment of existing and the provision of new traffic lanes. Both of these design proposals need further assessment and the Strategic Highways Manager has resolved to address this issue via the proposal of planning conditions agreed with the Local Planning Authority.

In addition, any agreed junction improvements at these junctions will also be subject to a Section 278 Agreement under the Highways Act 1980.

The TA offers a good access strategy designed to use and improve local accessibility opportunity and facilities with the provision of new and improved: footways, cycleways and bus stop facilities. This offer of betterment from the development does indeed increase and encourage the opportunity for the use of sustainable transport choice.

The only proviso here is that some areas of the proposed rural footway/cycle links will need a detailed design scheme at any detailed application stage as the need for a secure and safe design is not addressed in this outline application.

The proposed development proposes a residential travel plan framework which offers targets for reducing traffic generation which will be managed by an appointed Travel Plan Coordinator and the intention to keep an ongoing dialogue with the authority in terms of target achievement and remedial measures.

The Strategic Highways Manager recognises that the proposed Travel Plan Framework offers expected structure.

The Strategic Highways Manager acknowledges this TPF and will condition the provision of a detailed Travel Plan document which will be negotiated at the time of any detailed application proposal.

In conclusion, it is considered that the proposed access is acceptable in Highways Safety terms. It is recommended that, should the application be approved, then contributions of £25,000 for improvements to the Rood Hill traffic signal junction, and £5,000 for the annual assessment of the Travel Plan be secured by s106 agreement. In addition, conditions relating to highways improvements. Along with conditions for construction and design detail of the access and off highways works, completion of the access, bus stop and cycle ways, and the provision of a detailed Travel Plan.

Impact on Education Capacity

The proposed development is of a scale which has the potential to create greater demand on schools in the local area. To mitigate any impact the applicant has offered a contribution towards education. Notwithstanding this the Education consultation has confirmed that there is sufficient capacity within local primary and secondary schools to accommodate the likely pupils generated.

Impact on Jodrell Bank

The site is within the Jodrell Bank Consultation Zone as identified by the Local Plan Proposals Map. The University of Manchester has raised no comment with regard to the impact of the development on the telescopes at Jodrell Bank. The proposals are therefore considered not to have any impact on the functioning of Jodrell Bank.

Impact on Public Rights of Way

It is considered that the existing Public Right of Way which crosses the site could be incorporated into any scheme. Any temporary diversion or alteration to the PROW would have to be agreed by the Council.

The scheme proposes improved footpath and cycle connections throughout the site which would connect with the existing footpath and cycle network surrounding the site.

10. CONCLUSIONS

It is acknowledged that the Council does not currently have a five year housing land supply for Cheshire East as a whole or locally in Congleton which weighs in favour of the proposed

development. Accordingly, in the light of the advice contained in PPS3 the Local Planning Authority should consider favourably suitable planning applications for housing. However, the current proposal is not considered to be a “suitable” location for proposed housing development nor is the housing supply situation considered so critical as to set aside other material considerations.

The proposed development has the potential to cause significant adverse harm on the character of the local landscape, whilst failing to respect or enhance landscape character, whilst failing to pay due regard to the intrinsic qualities of the site. Furthermore, the proposed housing development does not relate well with the existing settlement. The scheme also has the potential to result in the loss of an important hedgerow.

It is also considered that the proposed development would result in an unsustainable form of development. The site is located at the westernmost periphery of Congleton some distance from the town centre. The town currently has a net out migration of workers and the proposed development would contribute towards this. The proposal would also result in the loss of best and most versatile agricultural land and there is no overriding reason to justify this. In addition, the existing foul drainage network is operating at capacity and could not accommodate the proposed development. This could result in adverse environmental implications.

The proposal is therefore contrary to Policies contained within the adopted Local Plan, the advice contained within PPS.1, PPS.3 and PPS.7. Accordingly it is recommended for refusal.

11. RECOMMENDATION

REFUSE for the following reasons:-

- 1. The proposed residential development, which is located within the Open Countryside, is considered to be an unsuitable location for development by virtue of the adverse impact that the proposals would have on the local landscape character. In addition, the proposed development is poorly related to existing built form. The proposed development would therefore be contrary to Policies GR5, GR3 and PS8 of the Congleton Borough Adopted Local Plan First Review 2005 and guidance contained within PPS1, PPS3 and PPS7.**
- 2. It is considered that the proposed development would result in an unsustainable form of development. The site is at the westernmost periphery of Congleton at a distance of 2km from the town centre and there are more suitable deliverable sites which offer a more sustainable location. The proposed development would also result in the loss of the best and most versatile agricultural land. There is also insufficient foul drainage infrastructure to accommodate the proposed development. The proposed development is therefore not suitable for housing development. The proposed scheme would be contrary to Policy GR20 (Public Utilities) and GR23 (Provision of Services and Utilities) of the Congleton Borough Adopted Local Plan First Review 2005 and guidance contained within PPS1, PPS3 and PPS7.**