

Application No: 14/3649C

Location: Land West of Padgbury Lane, Congleton, Cheshire, CW12 4LR

Proposal: Outline application for development of land to the west of Padgbury Lane, Congleton for up to 120 dwellings, up to 180 sq. m of health related development (Use Class D1), community facilities and associated infrastructure - (Resubmission of application reference 13/4219C).

Applicant: Louise Williams and Kathleen Ford

Expiry Date: 19-Dec-2014

SUMMARY

An identical application (13/4219C) is currently at appeal which is due to take place in April 2015. Since the identical application was determined on this site the Council has stated that it is unable to robustly demonstrate a five-year housing land supply and that, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing developments that can demonstrate that they meet the definition of sustainable development within the National Planning Policy Framework.

This application is assessed in the light of this material change in circumstances.

There is an environmental impact in the locality due to the loss of open countryside and agricultural land. However, due to the physical layout and characteristics of the landform around the site, particularly the residential characteristic on the other side of Padgbury Lane, the proposal will not have a significant impact on the landscape character of the area and will represent a rounding off of the settlement without resulting in an unacceptable visual intrusion into the open countryside.

The proposal would satisfy the economic and social sustainability roles by providing policy compliant levels of social housing and market housing adjoining an existing settlement where there is existing infrastructure, jobs and amenities to support those houses. Contributions to education and local health care are also recommended to be imposed which are considered to be in compliance with the Community Infrastructure Regulations. In addition it would also provide appropriate levels of public open space both for existing and future residents.

The environmental role is satisfied by the ecological mitigation which is considered to be accepted by the Councils ecologist. The proposed areas of open space within the site also satisfy the environmental role.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release on the edge of the existing residential built form of Congleton.

Local concerns of residents are noted, particularly in respect of highway matters but, subject to the mitigation required by the Strategic Highways Manager being attained, when taken together with its sister application is considered to be acceptable. This application also contains sufficient information concerning speed surveys on Padgbury Lane to satisfactorily address the previous highways reason for refusal.

An appropriate quality of design can be secure at reserved matter stage as can any impacts on the visual amenity. Subject to conditions and S106 matters, the proposal is considered to be acceptable in terms of its impact upon visual amenity and neighbours, flood risk, drainage, trees and landscape and ecology, education, health related matters.

The scheme represents a sustainable form of development and that the planning balance weighs in favour of supporting the development subject to a legal agreement and conditions.

RECOMMENDATION:

Approve subject to the completion of a Section 106 Agreement

PROPOSAL

This is an outline application with all matters reserved except for access for up to 120 dwellings and a healthcare facility indicated close to the Padgbury Lane frontage (Class D1 comprising 2 consulting rooms and a pharmacy within 180 sq metre building) with a LEAP and open space. This is a re-submission of application 13/4219C, which is currently due to be heard by way of Public Inquiry in April 2015 with its sister appeal 13/4216C. The application has been submitted to overcome those previous reasons for refusal.

An Illustrative Parameters Plan has been submitted in support of the application showing two new accesses onto Padgbury Lane a Play Area set within Public Open Space, habitat areas and pedestrian and cycle links

The density is indicated at 33 dwellings per hectare in a mix of types of dwellings from 2-5 bedrooms. 30% affordable housing provision is proposed. The scheme as described allows for a mix of 2 and 2.5 storey properties (with a maximum ridge height of 10m).

SITE DESCRIPTION

The site comprises 5.45ha of gently undulating grassland in agricultural use.

The eastern boundary of the site extends to Padgbury Lane and the rear boundary of existing dwellings which front on to Padgbury Lane.

The southern/eastern boundary of the site comprises the Heath Farm Public house, a grade II listed building associated out buildings and four dwellings, one of which is the grade II listed. To the rear of the southern boundary lies the hedgerow and tree belt which forms the boundary with the application site 13/4216C.

Loach Brook forms the rear, south western boundary of the site, beyond which lies further agricultural fields. A public right of way (PROW) bisects the site. Congleton FP18 enters the site from Padgbury Lane between Brooklands House and Heath Farm Public House and runs

eastwards over Loach Brook bisecting into Newbold Astbury FP10 and FP40 south of Old Barn Farm.

A number of existing trees within the application site can be viewed as public amenity features from various vantage points along the footpaths.

RELEVANT HISTORY

13/4219C - Outline Planning for the Development of Land to the West of Padgbury Lane, Congleton, for up to 120 dwellings, up to 180 sq. m of health related development (Use Class D1), community facilities and associated infrastructure was refused on 30 April 2014 for the following reasons -

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the Cheshire East Local Plan Strategy - Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it and creates harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land in accordance with the National Planning Policy Framework and consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan, to the emerging Development Strategy and the principles of the National Planning Policy since there are no material circumstances to indicate that permission should be granted contrary to the development plan.*
- 2. The proposal would result in loss of the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the Cheshire East Local Plan Strategy - Submission Version and the provisions of the National Planning Policy Framework.*
- 3. Insufficient information concerning the provision of an appropriate visibility splay, cycleway and footways to the access on Padgbury Lane has been submitted to demonstrate that the scheme would provide for the safe operation of the public highway for all users contrary to Policies GR9 of the adopted Congleton Borough Local Plan First Review 2005*

This is subject to an appeal which will proceed by way of Public Inquiry in April 2015

POLICIES

Local Plan Policy

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
H13	Affordable Housing and Low-cost Housing
RC1	Recreation and Community Facilities – General
RC4	Countryside Recreational Facilities

National Policy

National Planning Policy Framework (NPPF)

Cheshire East Local Plan Strategy – Submission Version

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
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
SE13 – Flood Risk and Water Management
IN1 - Infrastructure
IN2 – Developer Contributions

Other Material Planning Considerations

- SPG2 - Provision of Private Amenity Space in New Residential Development
- The EC Habitats Directive 1992
- Conservation of Habitat & Species Regulations 2010

- Interim Affordable Housing Statement: Affordable Housing
- Cheshire East SHLAA

CONSULTATIONS (External to Planning)

Strategic Highways Manager – No objection subject conditions and mitigation in the form of a financial contribution of £390,600 (based on 120 dwellings), the provision of £10,000 for the provision of one quality bus stop on Padgbury Lane to serve this development and provision of footway. A Travel Plan monitoring contribution of £5000 is also sought.

Environmental Protection: No objections, subject to a number of conditions including: Hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase Environmental Management Plan, the prior submission of a Travel Plan, the inclusion of Electric Vehicle Infrastructure, the prior submission of a dust mitigation scheme and a contaminated land condition and informative and an hours of construction informative.

United Utilities: No objections, subject to a conditions concerning foul and surface water drainage and informative.

Greenspace (Cheshire East Council): No objection subject to the provision of on site amenity greenspace of 2880m² and a LEAP (minimum 5 pieces of equipment – comprising a minimum of 4,000m²) – all of which to be maintained by private management company in future

Jodrell Bank: No objection subject to the incorporation of features for the purposes of electro-magnetic shielding

Natural England: No objection. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. With regard to protected species the Planning Authority should refer to Standing Advise

Strategic Housing Manager: No objection subject to the provision of 30% affordable housing with a full mix of units, not just 2 and 3 bed units

Public Rights of Way: The proposal has the potential to affect Public Footpath Congleton No. 18, as recorded on the Definitive Map of Public Rights of Way held at this office .If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application. If the development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route).

Education: The development of 120 dwellings will generate 22 primary & 16 secondary school places. The Education Department is forecasting that there is sufficient capacity within the secondary school sector but that the primary schools within the catchment will be oversubscribed. Therefore 22 primary school places will require contribution of £75,491 based on current commitments.

Sustrans - make the following comments

Any specific internal site provision for walking/cycling should be useful for everyday journeys. Connections away from traffic for pedestrians/cyclists to adjacent developments should be included in the design

The most direct route to the town centre is via Padgbury Lane and Fox Hollow involving a crossing of the A34. Can this development make a contribution to improving this route? The Cheshire Cycleway follows Padgbury Lane where traffic levels will increase if planning permissions are granted. Contribution to traffic management measures on this lane.

The design of the estate should restrict vehicle speeds to less than 20 mph and there should be cycle parking for properties without garages.

Environment Agency – No objections, subject to a number of conditions including; minimum floor levels, a scheme to limit the surface water runoff; the prior submission of a surface water drainage scheme, contaminated land report and a. scheme for the provision and management of at least an 8 metre wide buffer zone alongside the watercourse

NHS England: No comments received on this application but on the previous application due to the unallocated nature of the proposals it was considered that there would be a minimum cost of additional health infrastructure solely for the application site requiring a minimum developer contribution towards such costs of £139,000.

VIEWS OF THE PARISH COUNCIL:

Congleton Town Council: Objection on grounds of loss of open countryside and contrary to Local Plan housing policy. Consider the infrastructure statements within the submission to be implausible and access and egress from Padgbury Lane to Newcastle Road to be difficult

OTHER REPRESENTATIONS

Circa 238 Letters/pro-forma of objection have been received raising the following points:

Principle of development

- Re-affirmation of all previous objections raised to application under appeal
- The site is outside the settlement boundary
- The site is not identified for development in the Congleton Town Strategy
- The proposed development would not result in sustainable development
- Loss of Greenfield land
- Impact upon the rural landscape
- Housing would not blend in with the existing residential environment
- There is a greater than 5 year housing land supply
- Allowing the development would conflict with the localism agenda
- The proposal is contrary to the Congleton Local Plan
- The proposal is contrary to the emerging Plan
- There is a lack of employment in the area
- The development of the site will jeopardise brownfield sites from being brought forward
- The proposal would harm the rural character of the site
- Loss of countryside
- Adverse impact on landscape character and appearance

- There are numerous properties for sale in area
- Priority should be given to brownfield sites
- The development would result in urban sprawl
- The proposal is contrary to the NPPF
- Car reliant site, distances from facilities impractical for walking/cycling and public transport is poor
- Cumulative impact

Highways

- Road infrastructure is already congested, morning rush can take 40 mins to get to Congleton
- Padgbury Lane is a rat run
- Increased traffic congestion
- Impact upon highway safety
- Previous applications have been refused on highway grounds
- Future residents would be dependent on the car
- Pedestrian safety
- Poor public transport service to site
- Buses get stuck in the congestion already proposal will worsen

Green Issues

- Loss of green land
- Southern part of the site abuts the green belt
- The tree report is not adequate
- Increased flood risk
- Increased water run-off
- Increased flooding
- Impact upon wildlife
- Impact upon protected species
- Impact upon local ecology
- The FRA is inadequate
- Loss of trees
- Loss of agricultural land (grade 2 and 3a)
- Impact upon Great Crested Newts, badgers bats and other protected species
- Loss of Hedgerows/ trees as an ecological issue
- Access will require removal of trees to Padgbury Lane which are part of the defining character of the street
- Flooding into Loachbrook together with the cumulative impact of Loachbrook Farm development and subsequent adverse impact upon River Dane SSSI which Loachbrook links into

Infrastructure

- Increased pressure on local schools
- Padgbury Lane is a safe walking to school zone, but only has pavement to one side. Road safety for school children from site needing to cross busy road
- The local schools are full
- Doctors are full
- The recreational spaces are at capacity
- The sewage system is overstretched

- There is little in terms of leisure facilities
- Adverse impact upon local drainage infrastructure

Amenity Issues

- Impact upon air quality
- Cumulative impact upon air quality with other developments
- Noise and disruption from construction of the dwellings
- Increased noise caused by vehicular movements from the site
- Increased light pollution
- The site is very close to a working silica sand quarry and sand drying plant but this is not mentioned in the air quality survey and there is no assessment of fugitive dust pollution on the fields from this source
- The air quality report concerning traffic pollution is inadequate
- The effects of the approved development on Loachbrook Farm are not included in the predicted pollution levels submitted

Other issues

- Insufficient information into geology in the area
- Lack of consultation
- Weight of opposition against the proposal is a material consideration
- Adverse impact upon the village of Astbury by virtue of proximity
- Preservation of distance is important to the regional economy
- Impact upon archaeology – finds on site suggest that site should be left

An objection has been received from West Heath Action Group which raises many of the same issues as outlined above and considers the proposal to be premature, and economically, environmentally and socially unsustainable. They have also submitted a further objection in the form of a separate ecology report. The full content of the objections are available to view on the Councils Website.

SUPPORTING INFORMATION:

Environmental Impact Assessment and individual reports covering the following:

- Transport Assessment including updated information
- Planning Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal - including updated information
- Desk based Archaeological Assessment
- Design and Access Statement
- Arboriculture Assessment
- Air Quality Assessment- including updated information
- Agricultural land Assessment
- Archaeological Assessment
- Acoustic Report
- Socio-Economic Report

- Utilities Report
- S106 Heads of Terms

APPRAISAL

Principle of Development

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

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

The issue in question is whether the development represents sustainable development in terms of the NPPF definition of sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection to the loss of open countryside.

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; and

These roles should not be undertaken in isolation, because they are mutually dependent.

SOCIAL SUSTAINABILITY

Housing Land Supply

Paragraph 47 of the National Planning Policy Framework requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five Year Housing Supply has two components – the housing requirement – and then the supply of housing sites that will meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the Council's calculation of Objectively Assessed Housing Need is too low. He has also concluded that following six years of not meeting housing targets, a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years.

Consequently, at the present time, the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position. This is a material change in the circumstance of this application since it was previously determined

Affordable Housing

Planning policy requires that of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010 and highlighted in the Interim Planning Statement on Affordable Housing (IPS). This equates to a requirement for 36 affordable dwellings on this site, with 23 provided as social or affordable rent and 13 provided as intermediate tenure.

The application confirms that 30% affordable housing will be provided on this site. As this is an outline application the information about the affordable housing offer by the applicant is limited, if the application was approved details in an affordable housing scheme (including type of intermediate tenure to be provided) to be submitted at reserved matters stage and the scheme to meet the affordable housing requirements detailed above. The Affordable Housing Statement highlights that the affordable housing will be provided as a mix of 2 and 3 bed houses, however the Strategic Housing Manager would like to see a broader range of types of and sizes of affordable housing discussed at reserved matters stage. The scheme should also provide 30%

of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate.

Public Open Space and Children's Play Space

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

Consequently there is a requirement for new on site Amenity Greenspace to meet the future needs arising from the development. The Public Open space indicatively provided in the Masterplan is not quantified. In accordance with the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements the amount of New Amenity Greenspace required based on the 120 units would be 2880m². It is noted that the proposed children's play area in the form of a LEAP is sited in 0.4Ha (4,000m²) which would need to be a formally maintained to qualify as Amenity Greenspace.

The area with public open space is located on a low point of the site, in an area which retains an existing pond for attenuation purposes. The Council's policy is not to accept transfer of areas of POS that have water bodies located in, around or running through them. Therefore it is recommended these areas of POS be transferred to a management company.

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

Accordingly, there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development. The submission includes an equipped children's play area in the form of a LEAP. This should include at least 5 items of equipment, using play companies approved by the Council. The final layout and choice of play equipment should be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved in writing prior to the commencement of any works. A buffer zone of at least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site. As with the Amenity Greenspace it is recommended that future maintenance and management of the play area be transferred to a management company

Infrastructure

Health Related Development – on site

A 180 sq m medical facility is indicated as providing 2 doctors consulting rooms and pharmacy. The size, location and configuration of new health infrastructure will be determined by the National Health Service England (NHSE) taking into account national strategic agendas, NHS guidance and regulations relating to the provision of primary and community care facilities and local strategic priorities. Delivery will be subject the availability of funding and developer contributions. The provision of pharmacy facilities is governed by the pharmaceutical regulations applicable at the time.

The proposal is not supported by NHSE for the following further reasons:

- health services must be maintained at key locations where patients access a range of health services and are integral to the strategic health infrastructure planning;

- health services and health infrastructure strategies involve working in partnership with key stakeholders to deliver integrated care, not piecemeal unplanned development;
- Pharmaceutical Regulations apply to the approval of locations of pharmacy premises;
- developer contributions will be required to support appropriate health infrastructure for
- the provision of health services to residents of those developments. Any sites allocated by developers must, if they are required by NHSE, be of appropriate capacity to deliver determined health infrastructure within the emerging strategic health delivery plan for the locality.
- developer allocated £0.22m is an insufficient sum to provide 180 sq m to NHS standards.

On this basis, the health related development indicatively provided within this layout is unnecessary and unlikely to be fit for purpose of delivery of the NHS's Health Delivery Plan. This however, could be a private medical facility not utilised by National Health Service patients. There is no information contained within the application which comments upon the rational behind this facility and no evidence that the Applicant has sought the views of NHSE before the submission of the application.

Health Impact of the Development

Policy GR19 of the Local Plan advises that the Local Planning Authority may impose conditions and/or seek to negotiate with developers to make adequate provision for any access or other infrastructure requirements and/or community facilities, the need for which arises directly as a consequence of that development. It is advised that such provision may include on site facilities, off site facilities or the payment of a commuted sum.

Policy IN1 of the emerging Cheshire East Local Plan Strategy – Submission Version, advises that the Local Planning Authority should work in a co-ordinated manner to secure funding and delivery of physical, social, community, environmental and any other infrastructure required to support development and regeneration.

NHS England advises that existing health infrastructure in Congleton is already operating above capacity and cannot absorb the planned developments in the Emerging Strategy. This site, together with its sister site, are not one of the planned sites. The NHS requires a commuted sum of £139,000 to mitigate for this development. The on site medical provision would be in addition to this requirement.

A recent appeal in Audlem was allowed without any contributions to health on the grounds that there was no evidence from the NHS to support the contribution. The applicants have also questioned the need for such contributions on this application following the recent Inquiry at Holmes Chapel Road, Congleton where the need for such contributions was again challenged. The Council contends that this is different to Audlem because NHS England maintains that there is scope for additional provision within the Congleton area and as such the contributions are justified. Given the pertinent issues it is considered that the payment should be made to offset the need and is CIL compliant but should the Inspector at the Holmes Chapel Road appeal conclude that it is not, then the Council would not seek to pursue the contribution.

Education

The development of 120 dwellings will generate 22 primary & 16 secondary school places. The Education Department is forecasting that there is sufficient capacity within the secondary school

sector but that the primary schools within the catchment will be oversubscribed. Therefore 22 primary school places will require contribution of £75,491 based on current commitments

Subject to commuted sums calculated to address this impact, the proposal is considered to be acceptable.

ENVIRONMENTAL SUSTAINABILITY

Open Countryside Policy

In the absence of a demonstrable 5 year housing land supply the Council cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

The proposal is an area where the settlement boundary is currently being “flexed” in order to accommodate additional housing growth (the development of Loachbrook Farm refers), and it is immediately adjacent to existing residential development on the edge of Congleton. As such it is considered that whilst the site is designated as Open Countryside in the adopted local plan, its loss would not cause a significant level of harm to the character and appearance of the countryside that would significantly and demonstrably outweigh the benefits provided by the proposed development within the context of Paragraphs 14/49 of the NPPF.

As the Council cannot demonstrate a 5 year housing land and the NPPF carries a presumption in favour of sustainable development. It is therefore necessary to consider whether the proposal is sustainable in all other respects as part of the planning balance.

Agricultural Land

A survey has been provided to by the applicant who indicates that 4.5 ha of the site is Grade 2 (82%) and the remainder is Grade 4 land quality. Clearly, the site comprises majority Best and Most Versatile (BMV) agricultural land. The loss of such land is contrary to policy and would be seen as a negative of the development – albeit to be weighed in the planning balance.

Landscape Impact

The Council's Landscape Architect has considered the detail of the submitted Landscape and Visual Character Assessment and concurs with the views of the applicant with regard to the sensitivity of views in the landscape of this site.

The proposed development site is in agricultural use and is currently mown grassland. Housing development would obviously change the character of the site itself but would not have any significant impacts on the character of the wider landscape or have any significant visual impacts.

There would be some views of the proposed housing development from Padgbury Lane, the adjacent residential properties and the A534 Sandbach Road. Views from public footpath (Congleton FP 18) which crosses the site would obviously change significantly but the Parameters Plan indicates that this path would be retained within a green corridor. The most sensitive receptors would be the users of the Dane Valley Way long distance footpath and bridleway which runs parallel to Loach Brook approximately 400 metres to the west. The residential developments on the edge of Congleton are already visible from this path and although the proposed development would bring the urban edge closer, it would not significantly impair the views experienced from this route. Trees along the banks of the brook and other intervening hedges and trees would partially screen or filter views of the development. The parameters plan includes additional tree planting along the brook which would increase screening in the longer term.

An open space area including tree planting, wetland habitats, ponds / SUDS and a footpath/cycleway would be formed along the edge of Loach Brook. The width of this open space area should not be restricted to the immediate (currently fenced off) valley area. The optimum width of the area and the location of the proposed footpath/cycleway could be resolved as part of a reserved matters application. The proposed cycleway should connect to the southern development area and to Padgbury lane to improve connectivity.

As the landscaping of the site is a reserved matter, full details would have to be provided as part of a future proposal. If the outline application is approved a number of conditions including a landscape management plan via an s106 agreement in order to secure appropriate on-going management and public access in perpetuity could be attached to protect/enhance the landscape on this site. On this basis, the Landscape Architect does not consider that an objection on landscape or rural character impact grounds can be substantiated.

Trees and Hedgerows

The supporting arboricultural information is the same information as submitted with the previous application as are the proposed tree losses (four unprotected trees - an Ash, Oak and 2 Sycamore) for the proposed access of Padgbury Lane. Such losses are considered to present only a slight adverse impact upon visual amenity and that given there is adequate scope for compensatory planting within the site, there are no objections to the position of the proposed access as indicated

The Congleton Borough Council (Congleton – Padgbury Lane) Tree Preservation Order 1976 protects individual, groups and areas of trees located offsite around the Heath Farm Public House to the south east corner of the application site.

A public right of way (PROW) bisects the site. Congleton FP18 enters the site from Padgbury Lane

between Brooklands House and Heath Farm Public House and runs eastwards over Loach Brook bisecting into Newbold Astbury FP10 and FP40 south of Old Barn Farm. A number of existing trees within the application site can be viewed as public amenity features from various vantage points along the footpaths.

The application is supported by an appropriate Arboricultural Impact Assessment.

Eleven individual trees, eleven groups and two hedgerows have been identified by the assessment. Four individual trees and four groups have been identified as High (A) category trees, of which one group (G1 of the survey) located offsite within Heath Farm Public House is protected by the TPO. Five individual trees and six groups have been identified as Moderate category trees and are not TPO'd. The remaining trees have been categorised as Low (C) category.

The majority of high and moderate category trees are shown for retention outside the residential development envelope identified on the Parameters Plan either within public open space, proposed LEAP or proposed areas of landscaping.

A High (A) category Oak located within the centre of the site and shown for retention within the proposed residential area as shown on the Parameters Plan. The tree is not protected by the existing TPO, but is a significant visual amenity feature when viewed from the PROW. Its successful retention within the residential envelope will require addressing to avoid potential conflict with Root Protection Areas (RPAs) and the relationship/ social proximity of residential properties and subsequent future pressure for removal in accordance with the approach set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

The proposed access to the site off Padgbury Lane will require the potential loss of four unprotected early mature individual trees (An B category Ash, A category Oak and 2 Sycamore, one a B and one a C category tree). The option of retaining the Oak within the car park of the proposed medical facility as suggested is unlikely to be a realistic proposition, given the site constraints. However, given that National Health Service England do not support the provision of on site medical facilities on this site, it is recommended that the medical facility be omitted as part of any reserved matters.

From an arboricultural perspective the loss of these four trees would only present a slightly adverse impact upon visual amenity in the immediate area. Their wider contribution is not considered to be significant and could be adequately compensated by replacement planting. In this regard therefore there are no objections to the position of the site access.

Para 4.5 of the submitted Design and Access Statement refers to the provision of open space and the retention of existing trees within. It is noted that the group of visually prominent protected mature Pine located offsite within the Public House and outstanding group of Beech located offsite within Brooklands House are retained adjacent to the proposed LEAP and will not therefore be subject to development pressures. As previously stated, the retention of existing trees both within the residential envelope and public open space provision must be subject to the design requirements of BS5837:2012. In this regard I can see no reason why this cannot be achieved subject to a suitable layout being agreed in accordance with that standard.

Should the outline application be approved, an Arboricultural Implication Assessment and Tree Protection Plan will be required as part of any future reserved matters submission once a

definitive site layout is known.

Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

Having regard to this proposal, the residential amenity space minimum standard stated within SPG2 is 65 square metres. The space provided for all of the proposed new dwellings on the indicative layout plan would adhere to this standard.

In terms of the separation distances, no definitive details regarding the position of openings are detailed as this application seeks outline permission only.

However, the dwellings will need to conform to the separation standards listed in Supplementary Planning Note2: Provision of Private Open Space in New Residential Developments. These standards include a 21.3 metre gap between main windows of directly facing dwellings across both the front and rear gardens and a 13.8 metre gap between the main windows of dwellings directly facing the flank walls of an adjacent dwelling. It is considered that these standards can be achieved within and outside this site.

The Council's Environmental Health team have advised that they have no objections to the proposed development subject to the provision of a number of conditions and informatives. These suggested conditions include; hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase environmental management plan, hours of construction and a contaminated land condition and informative.

As such, subject to the above conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

Air Quality

The proposed development is considered significant in that it is highly likely to change traffic patterns and congestion in the area. An Impact Assessment has been submitted with the application to assess whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to local traffic flows. This also takes account of the recent Loachbrook Farm development.

The report predicts that there will be negligible increases in PM₁₀ concentrations at all receptors modelled. The impacts of NO₂ at existing receptors highlighted that there will be increased exposure at all receptors modelled. A number of receptors are within the AQMA and it is considered that it is appropriate therefore that mitigation should be suggested from the developers in the form of direct measures to reduce the impact of traffic associated with the development and its impact upon the AQMA and within Congleton.

Mitigation to reduce the impact of the traffic pollution can range from hard measures to softer measures such as the provision of infrastructure designed to support low carbon (and polluting)

vehicles. Conditions in respect of a robust travel plan for all properties and electric charging points infrastructure are therefore requested on any approval. Dust Mitigation conditions are also needed during construction.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and made the following comments.

Bats

Bats have been recorded as being active on this site. The level of bat activity is as would be expected for a site of this size and nature. The Ecologist's expert opinion is that the proposed development is unlikely to have a significant impact upon foraging or commuting bats. It also appears that all trees identified as having significant potential to support roosting bats would be retained under the submitted illustrative layout.

Great Crested Newts

A small population of great crested newts has been recorded within a pond on land adjacent to this proposed development. In the absence of the mitigation the proposed development would pose the risk of killing or injuring any animals present on site during the construction phase and also result in the loss of a significant area of terrestrial habitat which for the most part is of relatively low value for amphibians. Higher quality amphibian habitat is shown as retained on the illustrative layout.

The applicant has submitted a great crested newt mitigation strategy to address the potential impacts of the proposed development. The ecologist is of the view that if planning consent is granted the submitted great crested newt mitigation strategy would be acceptable to mitigate/compensate for the adverse impacts of the development upon this species and is likely to maintain the favourable conservation status of the local great crested newt population

Grassland Habitats

The majority of this site is occupied by arable fields of limited nature conservation value. The grassland habitats located adjacent to the brook are however of significant ecological value. These habitats are retained for the most on the illustrative master plan. However, ponds, a footpath/cycle and some trees/buffer planting are proposed in this area. The addition of these features would put pressure on the retained grassland habitats and it is advised that this part of the site would need to be treated sensitively at the detailed design stage to ensure the ecological value of these habitats would be retained. If outline planning permission is granted a condition should be attached requiring the submission of a management plan for the enhancement of the retained areas of grassland habitats.

Reptiles

Slow worm, a protected species and local Biodiversity Action Plan priority species has been recorded on land immediately adjacent to the south of this application site. It is advised that it is likely that this species also occurs on the site subject to this application. The majority of habitat suitable for this species will be retained as part of the proposed development and an acceptable mitigation strategy has been submitted in support of the application. The successful implementation of the mitigation strategy would however be dependent upon the careful design of the retained area of habitat/open space at the detailed design stage.

Common Toad

Common Toad a UK BAP priority species was recorded on this site. It is advised that the mitigation strategy submitted in respect of great crested newts would also be adequate to mitigate the potential impacts of the proposed development upon this species.

Badgers

A number of badger setts have been recorded within the site. The location of the setts means that it is feasible for the setts to be retained within the open space areas associated with the development. The submitted badger survey report recommends the timing of works in the vicinity of the setts to reduce the risk of disturbance and the marking off of exclusion fencing around the setts during the construction phase. The incorporation of fruit trees into the landscaping scheme for the site is also proposed to provide an additional seasonal food source for badgers. The submitted badger mitigation is acceptable to mitigate/compensate for the adverse impacts of the proposed development upon this species.

Breeding Birds

The application site is likely to support a number of breeding bird species, possible including two more widespread Biodiversity Action Plan priority species which are a material consideration for planning. Potential impacts on the two priority species recorded would be at least partially mitigated for through the implementation of a robust habitat creation scheme for the site. If planning consent is granted it is recommended that conditions be attached to safeguard breeding birds and to update the protected species information and mitigation strategy to take into account detailed design changes.

Hedgerows

Hedgerows are a Biodiversity Action Plan Priority habitat and hence a material consideration. Based upon the submitted indicative layout it appears feasible that some of the existing hedgerows on site can be retained as part of the development. There are however likely to be losses of hedgerows from the interior of the site. It is advised that any losses of hedgerow must be compensated for through additional hedgerow planting as part of any detailed landscaping scheme produced for the site. Based on the submitted illustrative master plan it appears feasible that this could be achieved.

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 the submitted great crested newt mitigation and bat mitigation would be acceptable and is likely to maintain the favourable conservation status of the local great crested newt population.

As such, subject to the above conditions, it is considered that the development would adhere with Policy NR2 of the Local Plan and Policy SE.3 of the emerging Cheshire East Local Plan Strategy – Submission Version, which seeks to replace Policy NR2.

Urban Design

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The site is a rural edge to Congleton and there is a necessity to create a townscape/landscape transition between urban and rural. The character of the housing to the East of Padgbury Lane should not be seen as a precedent in either layout or built character terms. It is of its time, before urban design became formally recognised as a positive influence on housing and place design

and has to be acknowledged as not being a positive townscape legacy for the town, effectively creating a very 'blunt' and uncharacterful edge alongside Padgbury Lane.

There are also established landscape features that are extremely important to the character of the site, not least the strong tree and hedge lined frontage to Padgbury Lane and the fringe landscape along the west of the site, that in proximity to the listed building and dividing the two sites. Whilst peripheral hedging is indicated for retention some hedging subdividing the sites is being lost.

The application is for 'up to 120' units at an average net density of 33 per hectare with a mix of dwelling types of 2-5 bedroom units, which are indicated as being mainly 2 storey but with focal point buildings within the street scene that are 2.5 storeys (up to a max of 10m high) In this case there are no testing layout submitted in support of this application and a sizeable area of the site which is indicated as being part of the residential layout is also indicated within the ecological appraisal as being mitigation grassland. This raises the potential that the numbers of units that this site could achieve, whilst also being in keeping with the prevailing residential density in the locality.

- **Street design and movement** – This is a simple hierarchy with a main street and then lanes feeding off that. This is a little too simplistic and that in reality a third street type will also be necessary. Shared surfaces are also discussed and this is positive, as are the use of varying street widths, frequency of street connections, buildings narrowing streets, pinch points etc. to create slower vehicle movements. There is no street connection between the 2 sites, especially as this was the approach early in the design process that was consulted upon with the community. It is assumed that this is as a consequence of highway liaison. If vehicular connection is not achievable then strong pedestrian movement needs to be secured.
- **Height of buildings** – it is noted that the parameters include buildings up to 2.5 storey (10m) but that these carefully considered and that they will be used occasionally for place making purposes at key focal points. It is important that the surrounding development does not compete for dominance with the adjacent listed building and that 2.5 storey is used infrequently. There is a danger that if this is not controlled, any permitted scheme could be out of context with its countryside edge location and the prevailing scale within the area;

Given that this is an outline application it is suggested that a design coding condition should be attached requiring the design detail to be developed in conjunction with the Reserved Matters stage (i.e. not relying on the Reserved Matters alone) should permission be granted. The Urban Designer does not object to the use of 2.5 storeys as a design mechanism within a layout as a mechanism for place shaping, however, this should be the exception rather than the rule.

Setting of the listed buildings

The setting of the listed buildings is an important consideration. Their origins are as an isolated, relatively substantial, country property that was either a farm or a home for someone of reasonable means situated some distance away from the town. The proposed development has the potential to adversely impact upon the asset's setting, notwithstanding that land to the rear of the listed buildings has been developed upon in more recent times.

A Heritage Assessment of the proposals implications for the adjacent listed buildings has been provided. It is recognised that areas of green space are provided to the north and south of the listed building, accommodating the existing trees, this may not sufficiently mitigate the impact of the proposed development upon the building's more immediate setting, particularly as national guidance advises local authorities not to consider setting too narrowly. This would need to be carefully considered within reserved matters.

Overall, it is considered that an acceptable design/layout that would comply with Policies GR 1,2 and 3 of the Local Plan, Policies SE1 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and the NPPF could be achieved at the reserved matters stage.

Flood Risk and Drainage

The Councils Flood Risk Manager has previously advised that as a Lead Local Flood Authority would recognise that this development site has significant implications for an important statutory Main River (Loach Brook) situated in immediate proximity to the site.

The Flood Risk Manager is aware of existing local off site flooding problems associated with non main river (ordinary) watercourse tributary systems of Loach Brook, surface water runoff and/or potential ground water flooding in the locality and is currently investigating and considering options on how these risks can be addressed. In view of the significant flood attenuation measures identified in the Opus International Consultants (UK) Ltd report (Reference JD-D1112-R01 dated September 2013) the authority would require details of how the large volumes of water (4,215m³) can effectively be managed on the site and in ground conditions with potential for elevated ground water levels, clearly demonstrating no adverse impacts off site. It is recommended that detailed site investigation be carried out to identify the extent of any local ground water/water table fluctuations which may have significant implications for the design of onsite storage systems.

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

Access to Facilities

Accessibility is a key factor of sustainability that can be physically 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 locational 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.

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

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

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

- post box – site entrance on Padgbury Lane
- amenity open space (on site)
- public park / village green (1320m) - Quinta Park
- public open space - on site
- public house (adjoining site)
- primary school (480m) (Quinta School Ullswater Road, CW12 4LX)
- child care facility (480m) (Somerford Kindergarten, Quinta School Grounds, Ullswater Road, CW12 4LX)
- bank / cash point (1150m), Martin McColl West Heath Shopping Centre
- bus stop (Hail and Ride Padgbury Lane)
- a local shop selling food or fresh groceries (360m), Londis Texaco Filling Station

A failure to meet minimum standard (with a significant failure being greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- post office (1150m), Martin McColl West Heath Shopping Centre
- leisure facilities (3300m), Congleton Library
- Medical centre. Readesmoor Group Practice, West Street, CW12 1JN. (2900m)
- Pharmacy (1150m) – West Heath Shopping Centre
- Railway Station (4700m) (Park Lane Station)
- local meeting place / community centre - 2240m (Danesford Community Centre, West Road, CW12 4EY).

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

Owing to its position on the edge of Congleton, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and will be the same distances for the residential development in the vicinity of the application site. However, the majority of the services and amenities listed are accommodated within Congleton and are accessible to the proposed development on foot or via a short bus journey. Accordingly, it is considered that this is a locationally sustainable site.

Highway Safety and 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.*

The Strategic Highways Manager (SHM) had been critical of the information submitted in support of the previous application, now at appeal. The SHM considered that insufficient information had been obtained in the form of speed surveys on Padgbury Lane and, in the light of this information, Members resolved to refuse the previous application on grounds of insufficient information.

This application is supported by an updated Transport Assessment. The Speed survey information submitted in support of this application were recorded at 37mph (85%), which confirms that the use of Manual for Streets geometry is appropriate. The visibility provided by the site entrance falls within the standards set by this criteria; looking to the south this is in excess of 120m, to the north 52m. The SHM is satisfied that the site entrance now obtains adequate and safe visibility. This is a significant change from the previous application.

The SHM has also done further work on the modelling of the off site highways works that this proposal, together with its sister application would create and has revised his comments from the previous application. By introducing the traffic generation figures from these proposed developments as a cumulative total – and by adjusting the distribution pattern to a more realistic level the highway authority can demonstrate that the developments would have a severe impact on a number of identified junctions along the A34 corridor without mitigation.

Junction improvements are proposed at Rode Hill Junction, West Street Roundabout, Barn Road roundabout and the Waggon and Horses Roundabout along with the links between the junctions. This scheme is set out in the Council's Infrastructure Plan.

The greatest impact from the development would be at the Waggon and Horses roundabout, due to that junction's proximity of the site, and it is therefore considered appropriate that the developer should contribute the full cost of a minor improvement identified at this location, however the scope of works will need to extend to the improvement of the whole corridor so as to avoid just transferring delay from one junction to another.

The total estimate for the A34 corridor improvement scheme has been estimated at £8,040,000. As a proportion of those costs this scale of development should contribute £390,600. This is less than previously calculated based upon the further modelling work undertaken by the SHM.

The SHM considers that the evidence that he has used to model the impact of this development (with its sister application) clearly supports the view that the improvement of the identified junctions is CIL compliant as the improvements will mitigate for the identified development traffic impact and on a proportionate basis given the whole corridor impact. There is therefore confidence in this level of mitigation, which has been further refined since the last application.

The applicant has now confirmed that they wish to take a pragmatic view and for the purposes of this application agree to accept the off-site highway contributions as indicated above and on the sister application.

ECONOMIC SUSTAINABILITY

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'

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.

Comments on Objections

Local residents and the West Heath Action Group raise various issues in respect of the application. Individual concerns over the principle of the development, infrastructure, air quality, ecological impact and amenity issues are addressed above. There are particular concerns identified over highway and traffic impacts in the locality and the accessibility of the site. These have been the subject of much discussion between the applicants and highway colleagues in terms of the mitigation needed to overcome the harm caused by the development. As indicated above the applicants have agreed to pay the required sum which will provide a contribution to the A34 corridor improvements or a contribution to the Congleton Link Road which would achieve the same benefit.

Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for primary school places in Congleton where there is very limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards primary school education is required. This is considered to be necessary and fair and reasonable in relation to the development

It is considered that a strategic transport contribution of £390,600 would adequately mitigate the impact of this development on the Strategic Highways network and is justified on this basis.

As explained within the main report, the amount of traffic added to the local network will add cumulatively to junctions and areas that are already congested and operating at capacity and the required mitigation is directly related to the development and is fair and reasonable. The contribution to quality bus service will be to cater for the additional residents in the area who will have an impact upon public transport. The contribution for the monitoring of the travel plan is fair and reasonable.

Similarly, at this time it is considered that a contribution to health provision is required and meets the appropriate tests. However, as indicated if the Inspector at the Holmes Chapel Road, Congleton does not agree with the assessment then the contribution will not be pursued by the Council.

On this basis, the S106 requirements are compliant with the CIL Regulations 2010.

PLANNING BALANCE AND CONCLUSIONS

The most important material consideration in this case is the NPPF which states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The decision maker must reach an overall conclusion having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweigh the negative in order to reach an eventual judgment on the sustainability of the development proposal.

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. Social benefits would accrue via the patronage of local schools and the provision of affordable housing.

Whilst the proposal will result in the loss of some grade 2 agricultural land, this is considered to carry neutral weight in the locality when the Council is unable to demonstrate a 5 year deliverable housing supply, who have opined that the benefits of the delivering agricultural sites for housing would outweigh this loss, particularly given the weight attached to the loss of agricultural land by the Loachbrook Farm Inspector. Many sites identified within the SHLAA would also result in the loss of the better grades of agricultural land and open countryside.

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

The boost to housing supply is considered to be an very important benefit – and this application achieves this in the context of a non strategic land release on the opposite side of Padgbury Lane to an existing residential housing estate.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements. The applicant has now accepted the commuted sum requirements for highways mitigation.

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

Overall, it is considered that the adverse impacts of the development – in terms of conflict with the development plan Countryside policy and the loss of agricultural land are outweighed by the benefits of the proposal in terms of residential provision and the provision of 30% of the units as affordable housing. Given the scale and location of the development, its relationship to the urban area and its proximity to other services, it is not considered that these adverse impacts *significantly and demonstrably* outweigh the benefits – and so accordingly the application is recommended for approval, subject to a Section 106 Agreement and appropriate conditions.

RECOMMENDATION

Approve subject to a S106 Agreement comprising the following

- **Affordable housing:**
 - **30% of all dwellings to be affordable (65% social or affordable rented and 35% intermediate tenure)**
 - **A mix of 2 , 3 bedroom and other sized properties to be determined at reserved matters**

- units to be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.
 - constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).
 - no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.
 - developer undertakes to provide the social or affordable rented units through a Registered Provider who are registered with the Homes and Communities Agency to provide social housing.
- Contribution of £75,491 towards primary education. This contribution will be required to be paid on 1st occupation of the site
 - Provision of minimum of 4320 sqm and of shared recreational open space and children's play space to include a LEAP with 5 pieces of equipment
 - Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity
 - Commuted Sum of £10,000 towards the delivery of quality bus stop infrastructure
 - Provision of £5,000 over five years annual monitoring (£1000 per annum) of the Travel Plan and its annual statements
 - Commuted Sum of £390,600 towards improvement of the Waggon and Horses Junction and the improvements at Barn Road roundabout or other measures that will provide similar congestion relief benefits to the A34 corridor through Congleton
 - Commuted Sum payment of £139,000 in lieu of health related provision in accordance with the NHS Health Delivery Plan for Congleton (subject to acceptance of Inspector at Holmes Chapel Road Appeal)

And the following conditions

- 1 Standard Outline
2. Submission of reserved matters – all except access
3. Plans
4. Development to be in accordance with Parameters Plan (with exception of need to amend in accordance with condition 26)
5. Submission of design and construction plans for the internal road infrastructure of the development. The plans will inform the Section 38 agreement for formal adoption
- 6 Scheme to be submitted and approved demonstrating that finished floor levels of all buildings are to be set at a minimum of 600 mm above the 1% AEP modelled flood level for Loach Brook
- 7 25 year habitat management plan
- 8 updated protected species assessment and mitigation strategy to be submitted in support of all future reserved matters applications
- 9 Scheme to be submitted and approved demonstrating no built development or alteration of ground levels within the 1% AEP flood outline
10. All Piling operations shall be undertaken using best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties. All piling operations

shall be restricted to: Monday – Friday 09:00 – 17:30 hrs; Saturday 09:00 – 13:00 hrs; Sunday and Public Holidays Nil

- 11 Submission of a Contaminated Land Phase II investigation.
- 12 Submission of Construction and Environmental Management Plan
- 13 Reserved Matters to include details of bin storage.
- 14 Reserved matters to include 10% renewable provision
- 15 details of car parking for medical facility to be submitted
- 16 Detailed design of ponds to be submitted with reserved matter application
- 17 Archaeological programme of works
- 18 Details of all street lighting
- 19 Car charging point for each residential unit
- 20 Arboricultural Implication Study (AIS) in accordance with para 5.4 of BS5837:2012 Trees in Relation to Design, Demolition and Construction -Recommendations, Constraints and Tree Protection Plan and Arboricultural Method Statement
21. Habitat management plan to be submitted as part of the 1st reserved matters
22. Submission / approval and implementation of boundary treatment
23. Submission / approval of landscaping of entire site as part of 1st reserved matters application
24. Implementation of landscaping
25. Submission of tree protection measures and method statement
- 26 Reserved matters to include details of
 - Exclusion of SUDS ponds, cycleway/footpath and LEAP from the retained grassland habitat area.
 - Retained areas of grassland are safeguarded during the construction phase
 - Scheme for management of retained areas of grassland to maintain and enhance their nature conservation value.
27. Provision of 8 metre wide buffer zone around the watercourse.
28. Reserved Matters to include details of bin storage.
29. Breeding Bird Survey for works in nesting season
30. Provision of bird/bat boxes throughout site in accordance with scheme to be submitted and approved
31. Submission / approval and implementation of Construction management plan
32. Scheme to limit surface water runoff and overland flow
33. Provision and implementation of Travel Plan
34. Electromagnetic insulation scheme to be submitted and approved
- 35 Buffer zone of 20m between houses and on site childrens play space
- 36 All the affordable dwellings should be provided no later than occupation of 80% of the open market dwellings
37. Development to be in accordance with principles set out in Design and Access Statement
38. Submission of Statement of Design principles to take into account, the Master Plan and the Parameters Plan and to include the principles for:
 - determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;
 - determining the hierarchy for roads and public spaces;
 - determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;

- the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;
- the design and layout of street furniture and level of external illumination;
- the laying out of the green infrastructure including the access, location and general arrangements of the children's play areas, open space within the site
- sustainable design including the incorporation of decentralised and renewable or low carbon energy resources as an integral part of the development
- ensuring that there is appropriate access to buildings and public spaces for the disabled and physically impaired.
- scale parameters for 2.5 storey buildings on key parts of the site
- SUDS details to be submitted
- provision of locally relevant boundaries in hedging and stone

40. Maximum no of units to be 120

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Principal Planning Manager, in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board , to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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