

Application No: 16/1922C

Location: Land To The East Of Black Firs Lane And To The South Of Back Lane, BACK LANE, SOMERFORD

Proposal: Residential development, site access points, public open space, green infrastructure and associated works; together with the realignment of the western end of Back Lane.

Applicant: The Richborough Estates Partnership LLP

Expiry Date: 21-Jul-2016

SUMMARY

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

The site also forms part of the CS44 site allocation within the Submission Version of the Cheshire East Local Development Strategy, which is allocated for housing and employment development in association with the delivery of the Congleton Link Road. This is an important material consideration to which significant weight can be placed, due to the stage the emerging Plan has now reached.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of market and affordable dwellings (17.5% of total housing) in a sustainable location and the knock-on local economic benefits such a development would bring to local shops and suppliers. The proposal is also intended to make a financial contribution to the delivery of the Congleton Link Road, which together with other sites in the CS44 allocation

will provide significant economic, social and environmental benefits by removing through traffic from the town of Congleton.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside, the reduced amount of affordable dwellings (to 17.5%) and the moderate impact upon the operation of the Jodrell Bank Telescope.

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a acceptable impact upon the social, economic and environmental conditions of the area.

In this instance, is considered that the benefits of the scheme would outweigh the adverse impacts.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

RECOMMENDATION

Approve subject to conditions and the completion of a S106 Agreement and subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

PROPOSAL

This is an outline proposal for up to 200 residential dwellings and associated open space, landscaping, access and associated infrastructure and provides for the re-alignment of Back Lane to accommodate the Link Road. Only access is being formally applied for at this stage with all other matters being reserved for future assessment. An indicative layout has been provided with two accesses, one off the re-aligned Back Lane (This will be done prior to this development commencing either by the Council as part of the Link road or by the developer as part of this scheme) and the other off Black Firs Lane.). The layout indicates development in 3 zones with areas of green space and an area of habitat creation to the south. There are a number of proposed SUDS ponds within these areas.

Immediately to the south of this application site lies the site of the community nature reserve which is subject to a separate application (16/1921C - reported elsewhere on this Agenda). Land is being swapped between the 2 owners of the adjacent land to enable this proposal to come forward in this form.

SITE DESCRIPTION

The application site is located on the north western edge of the settlement of Congleton and is broadly flat and is roughly triangular in shape. The site is currently bounded by Back Lane to the north east, Black Firs Lane to the south east and fields to the south. Back Lane Playing fields are located to east.

The site comprises an agricultural field and part of the site is presently owned by the RSPB. Adjoining the site to the south is a parcel of land that is the subject of application 16/1921C.

RELEVANT HISTORY

No previous planning applications of relevance on this site.

Permissions/resolutions to approve on adjoining/nearby sites of relevance are:

13/2746C – Outline application for the Erection of up to 180 dwellings, public open space, green infrastructure and associated works – Outline permission Granted subject to S106 Agreement 19 August 2014 – Site known as the Black Firs Triangle. A condition is imposed which limits the development to a maximum no of 170 units.

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road Approved with conditions 29 July 2016

16/0514C - Outline application for demolition of some existing buildings and a residential development of up to 140 units – Resolved to approve subject to conditions and the completion of a S106 Agreement at SPB 21 September 2016 – Back Lane Site/Application submitted by Russell Homes

The Planning Authority has other planning applications yet to be determined for the sites close by:

16/5156C - Residential Development for 170 houses & associated works. Full application on site known as the Somerford Triangle – reported elsewhere on this Agenda. The site is opposite this application site

16/1824M - Demolition of the existing building and an outline planning application with all matters reserved except for means of access for a mixed use development comprising residential dwellings (use class C3) and employment development (use classes B1, B2 and B8) incorporating an element of leisure uses (use classes A3 and A4), together with associated woodland buffer, ecological mitigation and enhancements, open spaces and infrastructure.(to be determined) – This comprises circa 29000 sq m of Class B1 floorspace and up to 270 dwellings and also forms part of the CS44 Allocation within the emerging Local Plan Strategy

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 17 – Core planning principles, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

Development Plan

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005). The relevant Saved Policies are:

PS6 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
CS44 - Back Lane/Radnor Park (Formerly SL6)
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 – Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure

IN1 – Infrastructure
IN2 – Developer Contributions

Other Material considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation
Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)
North West Sustainability Checklist
SPG2 - Provision of Private Amenity Space in New Residential Development

CONSULTATIONS

Head of Strategic Infrastructure (HSI) – No objections, subject to conditions and subject to a S106 Agreement requiring (inter alia) financial contributions to the Congleton Link Road at a level of £12000 per dwelling, with a minimum contribution of £1.8m, a package of traffic management on Chelford Road and Black Firs Lane, contribution to the widening of Back Lane or the provision of the widening of Back Lane as shown on the application drawings. (These provisions include the land required for the link road within the ownership of the applicant)

Environmental Protection (Cheshire East Council) – No objections, subject to a number of conditions including; electric car charging points to be provided for all dwellings; the implementation of noise mitigation; the prior submission/approval of an Environmental Management Plan; the prior approval of air quality mitigation measures

Flood Risk Manager (Cheshire East Council) – No objections, subject to conditions

Housing (Cheshire East Council) – Objection on grounds that the proposed 17.5% contribution of affordable housing is not policy compliant. Would withdraw objection should viability issues be proven.

ANSA Greenspaces (Cheshire East Council) – No objection subject to on site provision of POS and children's play space – in the form of a LEAP). Considers resident's management of the open and play space to be acceptable

Natural England: No objection. Satisfied that based upon the information provided there will be no adverse impact upon the River Dane SSI

Ecology: No objection subject to conditions and the provision of a management regime via S106 Agreement.

Education (Cheshire East Council) – No objection on the basis that the proposal provides mitigation for primary, secondary and special educational needs based upon the standard education formula.

A development of 200 houses would result in a formula as follows

$37 \times £11,919 \times 0.91 = £401,313$ (£2007 per dwelling) Primary
 $29 \times £17,959 \times 0.91 = £473,938$ (£2370 per dwelling) Secondary
 $2 \times £50,000 \times 0.91 = £91,000$ (£455 per dwelling) SEN

Total education contribution: £966,251 (£4832 per dwelling). This figure can be on a pro rata basis

Jodrell Bank: Oppose the development on grounds that it will have a moderate impact upon the operation of the telescope.

PARISH COUNCIL

Congleton Town Council – Consider proposal to be premature before delivery of link road and express concern about highway safety on Back Lane

Somerford Parish Council - Objection on grounds that the proposal is premature before the link road is provided. Consider the access on Black Firs Lane is unsafe when taken together with the development site opposite given the staggered junctions created

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, site notices were erected and an advert placed in the local paper.

7 letters/web based submissions have been received objecting to the proposal and one letter from an agent on behalf of Congleton High School and Quinta Primary School. The main areas of objection are:

- Impact on local highway safety, staggered junction not acceptable
- Impact on infrastructure- which can cope with all the new houses
- Increased risk of flooding
- The Schools request S106 payments for additional education infrastructure
- Ecology – Impact on wildlife
- Highway safety and congestion
- Increase noise and pollution
- Back Lane flooding is a historic problem
- Impact upon schools/medical and physical infrastructure
- Scheme is premature before the link road is provided
- Loss of open countryside
- PS10 says development will not be allowed which impairs the efficiency of the Jodrell Bank telescope, this site is within the JB consultation zone

All representations can be viewed on the web site.

APPRAISAL

The key issues are:

- Sustainability including the proposal's Environmental, Economic and Social role
- Policy and Housing land supply
- The acceptability of the indicative design and layout
- Impact on residential amenity
- The impact upon highway safety in the locality
- Impact upon trees and landscape
- Impact upon ecology
- Drainage
- Jodrell Bank
- Planning Balance
- Other Material Considerations

POLICY POSITION

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 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 other material considerations associated with this proposal, which are a sufficient to outweigh the policy concerns.

Cheshire East Local Plan Strategy – Proposed Changes Consultation Draft (July 2016)

The application site is identified as part of a preferred site for housing and commercial development (site CS44 Back Lane / Radnor Park, Congleton (Former SL 6) within the Cheshire East Local Plan Strategy – Submission Version. The strategy (inter alia) envisages:

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

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of 500 - 750 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.26 of the LPS;

3. The delivery of up to 7 - 10 hectares of employment land adjacent to Radnor Park Trading Estate as set out in Figure 15.26 of the LPS;
4. The delivery of up to 1 hectare of employment or commercial development adjacent to the Congleton Link Road Junction as identified in Figure 15.26 of the LPS
5. The retention and enhancement of Back Lane Playing Fields which has Village Green status;
6. The delivery of improved recreational facilities linked to Back Lane playing fields and the proposed primary school site a leisure hub of up to 10 hectares adjacent to Back Lane Village Green including new sports and leisure facilities;
7. The provision of appropriate retail space to meet local needs;
8. The provision of pedestrian and cycle links set in Green Infrastructure to new and existing employment, residential areas, shops, schools, health facilities and the town centre;
9. The provision of a new country park as set out in Figure 15.26 of the LPS
10. The provision of children's play facilities
11. The provision of a new primary school with linked community use as set out in Figure 15.26 of the LPS; and
12. Contributions to new health infrastructure.
13. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.26 of the LPS

Site Specific Principles of Development

- a. Contributions towards the Congleton Link Road / complimentary highway measures on the existing highway network.
- b. The provision of a network of open spaces for nature conservation and recreation, including access to and enhancement of the River Dane Valley Corridor as shown in Figure 15.26 of the LPS. Development should retain and enhance areas of landscape quality / sensitivity.
- c. The timely provision of physical and social infrastructure to support development at this location.
- d. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.
- e. The design, layout and style of individual plots should be guided by appropriate master planning and design codes influenced by existing locational assets of the area and its surroundings. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.26 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.
- f. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.
- g. The promotion provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities.
- h. A pre-determination desk based archaeological assessment will be required for any future application on this site for this strategic location.
- i. The site Strategic Location will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- j. Future masterplanning development should have reference to the River Dane Local Wildlife Site of Biological Importance and Ancient Woodland.

- k. Future development should also have consideration to Policy SE14 (Jodrell Bank).
- l. In order to ensure a sustainable, mixed use scheme is delivered on the site, the Council will require all housing proposals to demonstrate, through the execution of an s106 Agreement or appropriate alternative, how the delivery of employment land as an extension to the Radnor Park Trading Estate in tandem with housing development will be assured.
- m. The Visual, Noise and Pollution assessment of development should be undertaken with the assumption that the Link road is in situ and suitable screening / mitigation provided accordingly. Noise and visual mitigation measures should be provided between future and existing employment / residential areas. This could include separation distances, acoustic fencing, earth mounding, tree planting and building orientation.
- n. Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC2 'Indoor and Outdoor Sports Facilities'
- o. Future development should provide an appropriate buffer with the Ancient Woodland along the River Dane Corridor
- p. Future development should provide an east to west Greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton. This should include a footbridge over the River Dane for pedestrian / cycle use.
- q. The Congleton Link Road will form the boundary for development; except for a single area shown in Figure 15.26
- r. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.
- s. The proposed route of the Congleton Link Road is as shown in Figure 15.26. Development should be undertaken with the assumption that the link road is in situ. The land required for the construction and delivery of the Congleton Link Road will be safeguarded from development.

Congleton has been identified as a Key Service Centre for Cheshire East. The focus for Congleton over the Local Plan Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town. The provision of new housing is seen as important as part of balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and support the delivery of the Congleton Link Road. Congleton is therefore expected to accommodate in the order of 24 hectares of employment land and 3,500 new homes up to 2030.

This site is part of one of the sites that has been identified to contribute towards these future needs (CS44 in the Consultation Draft Version July 2016, previously known as SL6).

The justification for this policy states that the delivery of the housing/employment sites should be on a comprehensive basis in line with the Masterplan. This cannot be achieved without the additional highways capacity provided by the link road. As such, the Council will seek appropriate contributions to the link road on a case by case basis. Given the costs of the Link Road, however, it is acknowledged in the policy that where contributions are sought to the link road, as is the case in

this application, the Council will consider alternative affordable housing provision when viability evidence shows that a policy compliant level of 30% would render the scheme unviable.

LOCAL PLAN MAIN MODIFICATION / HOUSING LAND SUPPLY

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

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

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

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

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

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

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

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we

will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

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;

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

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

ENVIRONMENTAL ROLE

Locational Sustainability

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

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)

The accessibility of the site shows that following facilities meet the minimum standard:

	Recommended	Actual
Any transport node	400m	300 m Black firs Lane
Convenience store	500m	1700m – Aldi
Post box	500m	500m – Holmes Chapel Road
Playground	500m	1600m
Bus Stop	500m	300 m Black firs Lane
Public right of way	500m	Adjacent to site
Amenity open space	500m	1400 – Back Lane Playing Fields
Children's Play space	500m	On site
Post Office	1000m	1700m – West heath Centre
Bank/cash point	1000m	1400m – Tesco Cash Machine
Supermarket	1000m	1700m – Aldi
Pharmacy	1000m	1700m – West Heath Pharmacy
Primary School	1000m	1300m - Black Firs Primary School
Secondary School	1000m	1700m – Congleton High School

Medical centre	1000m	2900m – Readesmoor Medical Centre
Leisure centre or library	1000m	3700m – Congleton Leisure Centre
Local meeting place /community centre	1000m	2600m - Danesford Community Centre
Public house	1000m	1,600m - The Unicorn
Public park/village green	1000m	- Back Lane Playing Fields
Child care facility	1000m	2200m - Honeybear Nursery
Railway station	2000m	4660m - Congleton

Presently the proposal fails to meet the standards in the main, however, as is common in many suburban situations, the facilities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. The residential area near the site is served by public transport and the site will be served by footpaths linking it to the main road. Footpath improvements have also been negotiated to link the site with the wider area of the Allocation.

It should also be recognised that the site has been determined to be sustainable as part of the development of the Local Plan Strategy and that this area is one where significant future

development is going to occur and the facilities will become available as part of the normal pattern of growth on adjoining sites.

As such, whilst the site presently fails the checklist, the area is on the edge of the Congleton area and day to day facilities are available a short distance away. On this basis the site is considered to be generally locationally sustainable. As the area develops it is also expected that facilities will also develop and proximity to every day services will improve.

COUNTRYSIDE AND LANDSCAPE IMPACT

One of the Core Planning Principles of the NPPF is to “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

The application site is located on the western edge of Congleton and covers an area of 11 hectares in a roughly triangular area of land.

The southern part of the application site is adjacent to dwellings facing onto Black Firs Lane. At a short distance to the west are a number of properties facing onto Chelford Road, to the east are playing fields and to the north and west the wider rural landscape. The topography of the application site is undulating , with the most elevated part of the site along the eastern edge (approximately 90m AOD), falling slightly to the north and west before rising to 90m AOD near to Black Firs Lane. Footpath 1 Somerford follows a route to the east of the application site.

As part of the Landscape and Visual Impact Appraisal the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located within the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 10: Lower Farms and Woods, Brereton Heath Character Area (LFW2). The appraisal has also includes comments on the townscape of the site and surrounding area.

The Landscape and Visual Assessment indicates that the wider landscape is of medium value, while the site and local landscape is of low to medium value, with medium susceptibility to change and low to medium sensitivity. The assessment indicates that with a medium magnitude of change and low to medium sensitivity, that the landscape significance of effect will be minor to moderate. The Landscape Architect generally agrees with the assessment, although it will be the green infrastructure which will determine the ultimate significance of landscape and visual effects, nevertheless it is considered that some potential landscape and visual impacts can be mitigated with appropriate design details and landscape proposals.

Footpath 1 Somerford, which has been identified in the North Congleton Masterplan as a key greenway for pedestrians and cyclists, for both this application site and the wider development proposed for the area runs adjoining the site. While this footpath lies outside the application boundary, it forms an important and sustainable travel link and is a greenway required in the emerging policy. A financial contribution has been agreed to improve the Footpath in accordance with the requirements of the Countryside Access Officer.

Trees

The trees on site are predominantly located around the perimeter and therefore pose only minimal constraints on the development, and that only a limited number of internal 'low' quality trees are proposed to be removed. Given the outline nature of the application it is not possible to determine fully at this stage the direct or indirect impact of the proposed illustrative layout on retained trees and therefore only limited weight can be given to the Illustrative Masterplan in respect of the capacity of the site to accommodate the number of plots and the successful integration of moderate and high category trees.

The Tree Survey Data Sheet identifies 86 individual trees, 25 groups of trees and 19 hedgerows within and adjacent to the application site. There are 49 individual trees and 16 groups of trees of High (A) and Moderate (B) quality. . Such trees should be considered as desirable for retention within any future proposed development of the site unless development priorities dictate otherwise.

One tree within the application site, an Oak located to the northern end of Black Firs Lane is shown on the Council's GIS database as protected by the Congleton Borough Council (Blackfirs Lane, Somerford No.2) Tree Preservation Order 1985 (T3) This tree appears to be located within proposed public open space and may not be affected by the proposals, although more detailed clarification should be provided at the detailed design stage.

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."

This application is submitted in outline form and the supporting documentation submitted with the application does not provide any detailed information the parameters of development. Neither is there information on sustainable design. This is not surprising as this is an outline application, with a masterplan that seeks to establish only broad development and design principles. However, it is suggested that a sustainable design strategy/plan be required (by condition). This should set out the approach to delivering sustainable design objectives including:

- passive environmental opportunities,
- performance of fabric and reduction in carbon production and water consumption,
- the use of renewable/low carbon energy,
- the scheme's design response to climate change adaptation
- other soft environmental measures.

The proposals are for 'up to 200 dwellings' although at this stage the mix/size of units is not known. It is important to note that the indicative layout is just that; indicative; and there is no in principal acceptance of the site layout as submitted. It would be for the reserved matters to ensure the layout and density of development is appropriate and also complies with the Council's forthcoming design guide.

Highway Issues and the Link Road (CLR)

Within the emerging Local Plan Strategy (LPS) – proposed changes version, includes, at figure 15.25, the proposed route of the Congleton Link Road alongside the proposed sites to the north of Congleton, of which this site is one.

The Council's stated aims for the delivery of the sites to the north of Congleton are that they should be delivered on a comprehensive basis in line with the North Congleton Masterplan. The sites cannot be comprehensively delivered without additional highways capacity provided by the proposed Congleton Link Road.

The application includes the realignment of Back Lane to form a new junction with Black Firs Lane - this is to accommodate the new Congleton Link Road.

There are two access points to the site, one taken off the new alignment of Back Lane and the other connecting to Black Firs Lane. Both of the access designs are priority junctions, these are capable (in capacity terms) of serving the level of development proposed in the application. An independent review of the safety of the access strategy has also been undertaken with particular focus on the proximity of the proposed access onto Black Firs Lane, the consented access for 13/2746C and the access for current application 16/5156C . The Highways Manager is satisfied on the basis of the Safety Audit that the 2 access points can operate in conjunction with one another.

Adequate visibility is provided for the current vehicle speeds. A scheme of complimentary traffic management measures would however be of benefit along with a review of local speed limits. Traffic calming is proposed and a scheme of Speed Information Display (SID) speed signage has been negotiated. These can be dealt with via a S106 contribution and conditions

The scheme contributes to the delivery of the CLR through the provision of the necessary land for the CLR within the control of the applicant. This has been previously secured through a completed legal agreement.

The proposal also acknowledges that it may be that the CLR is delivered prior to this development. The proposed changes to Back Lane are identical in both the approved CLR scheme and this application.

Accordingly, should the CLR be delivered in advance of this development a S106 Contribution is required to mitigate the impact of this development. This has been agreed with the applicant as £507,427.00 for CEC to execute the works.

Should the site come forward prior to the Congleton Link Road, the Back Lane Link will extend from Black Firs Lane and form a restricted access with Back Lane so that the existing

Back Lane remains the priority. These works would be done by the developer under a S38 Agreement.

Suitable restrictions will be put in place to prevent movement between the existing Back Lane and the proposed Back Lane link.

An independent assessment of the viability of all the sites in the North Congleton Area to deliver the requested contributions has been undertaken as part of the Delivery Strategy for the CLR. Negotiations with the developer on this site have agreed that a contribution of £12,000 per dwelling will be made available (Index linked) subject to a reduction in the provision of Affordable Housing to 17.5%.

This provision, alongside the works (or contribution) to the re-aligned Back Lane delivers a contribution of c£15,000 per dwelling towards link road infrastructure. This level of contribution is considered acceptable and is in line with the recommendations of the independent viability assessment of the Link Road.

Although, the exact dwelling numbers of the site will be defined at the reserved matters stage it is necessary to agree a 'floor' limit for the level of contributions – this has been set at £1.8 million. A contribution of £2.4m would be realised on the basis of the 200 dwellings tested through the Transport Assessment.

Subject to S106 Agreement that provides for the developer to directly undertake the highway widening works or the highways mitigation payment the dedication of land to the Highway Authority and the highways mitigation payment, it is considered that the proposal would not create any significant highway safety concerns and would adhere with Policy GR9 of the Local Plan. Land is safeguarded for the Link Road.

The Strategic Highways Manager, however, makes it clear that he is not commenting upon the internal indicative road layout in this case, which would be a matter for future reserved matters as part of the layout of the site.

Flood Risk and Drainage

The application site is within Flood Risk Zone 1, however there are topographic low spots within this site as indicated by the Environmental Agency's (EA) mapping system. The risk of flooding from this source will need to be appropriately mitigated before development can commence on site and must ensure surface water flooding is not increased to existing developments.

The Council's Flood Risk Officer has reviewed the supporting information and advises that he has no objections, subject to conditions.

Ecology

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

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

The Habitat Regulations 2010 require Local Authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- the proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- there is no satisfactory alternative
- there is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the Directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding public Interest

The site is an emerging housing allocation on the edge of the existing built up area. Its planned development will assist in negating development pressure on other sites of ecological significance and will assist in the provision of the Link Road. It is therefore considered that its development is of overriding public interest.

With regard to the second test, the choice of alternative sites are not as sustainably located on the edge of the existing town and would not deliver the improvements to the CLR via the widening to Back Lane.

In respect of the third test, the Council’s Ecologist has advised that if planning consent is granted the proposed ecological mitigation strategy will be adequate to maintain the favourable conservation status of the Great Crested Newt.

In respect of other ecological matters, advice has been sought from the Council’s Ecologist has commented as follows:

Designated sites

The application site falls within Natural England’s SSSI impact risk zones for developments of over 100 units. Natural England have advised that the proposed development would not affect the River Dane SSSI.

The application site is located just over 3km from Bagmere SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar. Based upon Natural England’s comments it does not appear that the application site is located within the impact risk zone for this designated site. The proposed development is therefore not likely to have a significant effect on this designated site and no further action under the habitat regulations is required.

Marsh and associated habitats

An area of marsh is present to the south of the site where the site adjoins the proposed Nature reserve. This area is assessed as being of County value by the Ecological Mitigation Strategy and would be retained under the submitted illustrative proposals. The ecological mitigation strategy produced in respect of this application provides an opportunity to enhance this habitat. This can be secured by condition.

Reptiles

The Ecologist considers that reptile species are unlikely to be present or affected by the proposed development.

Trees with bat roost potential

A number of trees were identified as having bat roost potential. The submitted Ecological Assessment confirms to the Ecologists satisfaction that roosting bats do not present a constraint on the proposed development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based on the illustrative layout plan it is likely that the proposed development would result in the loss of some hedgerow to facilitate the site access points. The submitted Ecological mitigation strategy anticipates a total loss of 56m of hedgerow. This would include the loss of a section of hedgerow identified as being important under the habitat regulations.

The submitted layout plan however identifies opportunities for the planting of significant lengths of new hedgerow to compensate for this loss. This could be dealt with by reserved matters..

Great Crested Newts

This protected species is known to breed at a number of ponds located outside the red line of the application site. Much of the application site is unsuitable for this species and much of the better quality habitats for this species would be retained.

Nesting Birds

A number of birds have been recorded during the submitted surveys. Only two site visits were undertaken as a part of the bird survey and so it is possible that some species or evidence of breeding activity may of been missed. The most notable species recorded during the survey are the ground nesting species; lapwing and sky lark (single pair possible breeding). These species are those most likely to be adversely affected by the proposed development as a result of loss of habitat and increased disturbance. The submitted ecological mitigation strategy values the bird assemblage on site as being of 'district' importance. The proposed retention of the marsh, and the creation of the nature park may provide habitat for some bird species but increased disturbance is likely to deter ground nesting species from breeding on site.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. A condition for hedgehog gaps is recommended.

Badgers

An updated badger survey has been submitted. Badgers are active on site, but again there is no evidence of sett being present on site. There would be some loss of badger foraging habitat associated with the development, but quite a lot of green space is retained and the country park and wildlife corridors around the site would maintain the connectivity of the offsite sett with the open countryside.

Future reserved matters application will need to be supported by an updated badger survey. This can be conditioned.

Ecological Mitigation Strategy

It is recommended that a condition be attached requiring a detailed ecological mitigation strategy be submitted in support of any reserved matters application. The strategy should be informed by the submitted ecological mitigation, badger mitigation strategy and great crested newt mitigation strategies submitted in support of this outline application and should include amongst the proposals, proposals for new wildlife ponds, provision of bat and bird boxes and features, lighting mitigation and the incorporation of wildlife corridors of a minimum of 10m.

Overall, it is considered that the development would adhere with Policy NE5 of the Local Plan and Policy SE3 of the emerging Cheshire East Local Plan Strategy – Submission Version.

Public Rights of Way/ Countryside Access

Somerford Public Footpath No. 1 adjoins the site to the north. Footpath No.1 runs to A54. It should be noted that the Public Footpath can be used by the public on foot only, and not by bicycle, without the landowner's permission. This route cannot, therefore, be promoted or considered within the current proposal as a cycle link.

It is noted that there are no pedestrian footways along Black Firs Lane which would be likely to be the most obvious trajectory for residents of the proposed site reaching the town centre. Signage of the alternative proposed pedestrian access via the Public Footpath would therefore need to be prominent, and the connecting paths constructed with a sealed surface in order to provide year-round access. A scheme of mitigation has been agreed via a commuted sum

North Congleton Masterplan: East – West Greenway

The provision of connectivity for non-motorised users to and from this site needs to take in account the draft North Congleton Masterplan which proposes an East-West Greenway. This is an important part of Policy CS44 of the Emerging Plan.

The Countryside Access Officer has negotiated an improvement to the farm access track to the south of the site. This comprises an £89,000 contribution to the PROW improvement.

The developer confirms that he accepts this mitigation in line with the required improvements to the access track to improve connectivity.

Overall Environmental Conclusion

The proposals contribution to the link road will be of significant benefit to the environment of Congleton by reducing traffic congestion and improving air quality in the town centre. As such, it is considered that the proposed development would be environmentally sustainable. This is a factor to which considerable weight can be attached in the planning balance

Subject to conditions and S106 mitigation the scheme would not create any significant issues in relation to; landscape, trees, highway safety and congestion, drainage or flooding and ecology.

SOCIAL ROLE

Affordable Housing

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

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

The general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. Therefore for this development there should be provision of 30% of the total dwellings as affordable, with 65% provided as social or affordable rent and 35% intermediate.

Due to a contribution which is to be paid by the developer towards the Congleton Link Road this development is only set to provide 17.5% affordable housing in the intermediate model (at 80% open market value) as opposed to the policy compliant 30% affordable housing (intermediate and social rented). The Strategic housing Manager has objected to the fact that the scheme does not provide the 30% affordable housing he would normally require.

This scheme, however, delivers numerous mitigation contributions and additionally, unlike other recent schemes in the area; a direct contribution to the Link Road at a figure of £12000 per dwelling which together with other contributions, has had an impact upon the overall viability of this proposal.

Independent assessment of the viability of the sites in the North Congleton Area to deliver the requested contributions has been undertaken as part of the Delivery Strategy for the Link Road and it has been satisfactorily demonstrated that the policy compliant 30% contribution to affordable housing would render the schemes (of which this is one) unviable.

Given the policy position allows a reduction in the amount of affordable housing to deliver the CLR in this location, this proposal is considered to comply with Policy CS44. On this basis, the objection from the Strategic Housing Manager is noted but the planning balance is made towards the delivery of the link road.

Jodrell Bank

Jodrell Bank advise that they oppose this development. Their view is that the impact from the additional potential contribution to the existing level of interference coming from the direction of this site will be moderate. This is a general direction in which there is already significant development close to the telescope.

Jodrell Bank now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical

equipment. This is the case here. This is a very important material consideration to which moderate weight can be attached within the planning balance.

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

The Congleton Borough Local Plan states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment.

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

The social adverse impacts of the scheme would be the moderate impact the development would have upon the efficiency of the Jodrell Bank Radio Telescope. It should be noted that, should members approve the application, the Council would have to notify Jodrell Bank of the intention to grant planning permission under the existing Jodrell Bank Direction for a period of 21 days prior to the issuing of a Decision Notice.

It should also be taken into account, that, whilst it cannot mitigate the impact or overcome the objection, the level of impact can be moderated by the use of electromagnetic screening measures with the development. It is considered that this impact should be given moderate weight against the scheme in the planning balance.

Educational Impact

There are 12 further registered and undetermined planning applications in Congleton generating an additional 205 primary children and 162 secondary children.

The development of up to 200 dwellings is expected to generate:

37 primary children (200×0.19) (- 1 SEN)
29 secondary children (200×0.15)
2 SEN children ($200 \times 0.51 \times 0.023\%$)

Taking into account the latest information available on school capacities and forecasts including approved housing sites this development is expected to impact on primary, secondary and SEN school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the

increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions.

Clearly, a development of up to 200 dwellings may contain a significant number of one bed roomed units and the Education Manager accepts that given the uncertainty of the ultimate numbers on site that a formula based approach is acceptable. This will generate an ultimate education mitigation payment based upon the actual development build out.

The following formula would be required:

$37 \times £11,919 \times 0.91 = £401,313$ (£2007 per dwelling) Primary
 $29 \times £17,959 \times 0.91 = £473,938$ (£2370 per dwelling) Secondary
 $2 \times £50,000 \times 0.91 = £91,000$ (£455 per dwelling) SEN

Total education contribution: £966,251 (£4832 per dwelling).

Amenity Greenspace

The Greenspace Manager advises is mindful of the location of the site adjoining a proposed community nature reserve, the Back Lane Playing fields and is satisfied that there is sufficient amenity green space available in the locality to accept a non policy compliant amount of green space on this site on this occasion. Much of the greenspace around the periphery is performing the SUDS function; however, there is a sizeable area of land to the south as ecological mitigation area which will also have public access

Children and Young Persons Play Provision

Normally a development such as this would require a NEAP to comply with policy. However, in the light of the facilities being provided in the general area as a result of the housing led proposals that have recently A LEAP standard play facility is required having a minimum area of 1000 sq m activity zone.

The LEAP should include at least 6 items/activities incorporating DDA inclusive equipment plus infrastructure and be in line with the standards set out by Fields In Trust Planning and Design for Outdoor Sport and Play. This should be in an open location and visible from nearby dwellings. Ansa request that the final layout and choice of play equipment is agreed with CEC, the construction should be to BSEN standards.

The indicative layout has areas of greenspace that are laid over to ecological areas/SUDS. Accordingly this matter will need to be addressed through conditions.

Full plans showing the design must be submitted prior to the play area being installed and this must be approved, in writing prior to the commencement of any works. A buffer zone from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

Overall, Amenity Greenspace, including kick about space and a LEAP, should comprise a minimum of 2000 msq. Subject to this mitigation, it is considered that the proposal whilst not fully compliance with Local Plan Policy GR22 and Policy IN1 of the Cheshire East Local Plan

Strategy, the space requirements can be reduced given the proximity of other areas of open space.

The Future maintenance of all POS and the LEAP on site would be on the basis of a private management regime, via S106, which would need to be approved by the Council.

Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, and noise.

Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

The EHO has advised that due to the outline nature of the application and the proximity of this site to the proposed Link Road, there is a need to protect the amenity of future residential properties with respect to noise and air quality.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is considered therefore that operational mitigation measures should be provided in the form of direct measures to reduce the impact of traffic associated with the development and its impact upon the AQMA's 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 a low emission strategy for the development designed to support low carbon (and polluting) vehicles.

The accessibility of low or zero emission transport options has the potential to help mitigate the impacts of transport related emissions. To ensure the uptake of these options is maximised, it is considered appropriate to create infrastructure to allow home charging of electric vehicles in all new, modern properties. These can be controlled by condition.

The EHO has also undertaken an initial 'damage cost analysis' which has estimated the increase in NO_x and PM₁₀ quantities as a result of the development. In order to determine a proportionate cost for mitigation for off site impacts, a detailed damage cost assessment is required by the EHO. As a result a condition requiring an air pollution damage costs assessment calculation should be submitted prior to submission of reserved matters is requested. Further clarification on this matter will be provided as an update as to what the potential mitigation might be - otherwise it would be a difficult to insist on such a condition.

With regard to land contamination, dust and noise it is considered that conditions can satisfactorily safeguard future living conditions. As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

Overall Social Conclusion

In terms of social sustainability, it is considered that negative impacts of the proposal can on the whole be mitigated by condition. It is considered that the social benefits of the scheme, through the provision of housing as part of a planned development and as part of an allocated mixed use site within an emerging plan to which significant weight can be attached, outweighs the moderate impact upon the Jodrell Bank telescope in the planning balance. It is therefore considered that the proposal would be socially sustainable.

ECONOMIC ROLE

One of these material considerations is the allocation of the site within the emerging Plan. The allocation of the site with the Emerging Local Plan Strategy is considered to contribute significantly to the economic strand of sustainable development by virtue of the planned release of housing and commercial development in tandem with the Congleton Link Road which provides for the right level of growth in the right places at the right time.

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 education contribution is necessary having regard to the oversubscription of local primary, secondary schools and special education need provision given the demand that this proposal would add to the local provision. This is considered to be necessary, fair and reasonable in relation to the development.

The highways contribution and dedication of land is necessary to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable. The PROW payment is necessary to mitigate for the impacts upon the PROW adjoining the site

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, there is a presumption against the proposal unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of

deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide positive planning benefits such as; the provision of a market and affordable dwellings in a mixed use allocation close to employment opportunities, the knock-on local economic benefits such a development would bring. The proposal also mitigates for its impact upon education provision locally by virtue of commuted sum payments for education, sustaining education provision locally.

The proposal also contributes to the delivery of the Link road which will have a significant economic benefit to the town of Congleton.

Balanced against these benefits must be the adverse impacts, which in this case would be the loss of open countryside and the impact upon the operation of Jodrell Bank and the reduced contribution to social housing at 17.5% rather than 30%.

The site also forms part of an allocated housing site within the emerging Local Plan Strategy, which allows for the planned release of a mixed use development associated with the link road, to which the decision maker is entitled to afford significant weight, given the advanced stage the Plan has now achieved.

All other issues are considered to be mitigated against by the use of planning conditions or a S106 Agreement and as such, are considered to have a neutral impact.

In this instance, is considered that the benefits of the scheme, particularly in the light of the allocation of the site would outweigh the adverse impacts in this case.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits

RECOMMENDATION

Subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission.

Approve subject to completion of a S106 Agreement to secure the following:

- 1. Detailed residential management agreement for the on going maintained of the Open Space/Children's play space be submitted and approved.**
- 2. Detailed habitat management plan for on going management**
- 3. Affordable Housing comprising 17.5% of all housing on site (all intermediate tenure at 80% open market value)**

4. £4,000 for the making of any Traffic Regulation Orders on Chelford Road or Black Firs Lane in support of potential Speed Limit Reductions.
5. £1000 towards the provision of 'SID' interactive speed limit signage (or similar).
6. Highways contribution of £507,427.50 to the Back Lane improvement works - to be paid prior to the occupation of the 80th dwelling. As an alternative, these works may be undertaken through a S38 agreement; this option will fall away should the Council enter into a contract to construct the Congleton link road by the time this development commences on site.
7. A S106 contribution £12,000 per dwelling to the Congleton Link Road. This includes a minimum contribution of £1.8m which will be provided irrespective of minimum dwelling numbers approved at reserved matters. The maximum contribution will be linked to the number of houses approved at reserved matters on a pro rata basis at £12,000 per dwelling.
8. PROW improvement works of £89,000.00

And, the following conditions;

1. Standard Outline
2. Submission of reserved matters- landscaping to include replacement hedgerow planting
3. Plans
4. Updated badger report
5. Each phase to incorporate a mix of units of -
 1 bed and/or 2 bed dwellings – between 5% and 15% of the number of dwellings
 3 bed dwellings – between 20% and 50% of the number of dwellings
 4 bed and/or 5 bed dwellings –between 25% and 65% of the number of dwellings
 Thereafter the housing on each phase of development shall accord with the housing mix details provided.
6. Design Coding to form part of reserved matters
7. Fabric first approach to energy efficiency
8. Reserved matters to include Arboricultural Impact Assessment
9. Construction and Environmental Management Plan, inc wheel washing – Prior submission/approval; piling, dust control
10. Amenity Green space of minimum of 2000m2 inc a LEAP with 6 pieces of equipment for all ages.
11. Public Rights of Way scheme of management shall be submitted to and approved
12. Bat mitigation strategy to be submitted as part of any reserved matters application
13. Hedgehog Gaps
14. Breeding birds and roosting bat features – Prior submission/approval
15. Contaminated Land Phase I, unexpected contamination, importation of soil
16. Residential travel plan inc residents information pack
17. Car charging for each dwelling/communal for flats
18. Tree and hedgerow Protection scheme – Prior submission/approval
19. Scheme for the incorporation of electromagnetic screening measures (protection of Jodrell Bank telescope)

20. Delivery of Local Traffic Management Scheme along the principles as out on drawing 21089_08_020_12b – by occupation of 80th dwelling on site
21. programme of archaeological work
22. Development to comply with submitted Flood Risk Assessment
23. detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage to be submitted
24. reserved matters to include noise mitigation scheme based on outline acoustic report
25. noise mitigation scheme based on the final layout masterplan. The scheme shall take account of the Congleton Link Road if built before the development. Each reserved matters stage to submit a detailed noise mitigation
26. Detailed ecologic mitigation scheme to form part of reserved matters
27. Phasing of development to form part of 1st reserved matters
28. levels
29. Superfast broadband provision

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in there absence the Vice Chairman) of the 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.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.

