

Application No: 16/1824M

Location: Land to the north of the existing Radnor, Land at Back Lane, Cheshire

Proposal: 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.

Applicant: John Brooks, Ainscough Strategic Land

Expiry Date: 08-Aug-2016

SUMMARY:

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

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

An important material consideration in this case is the NPPF which states at paragraph 49 that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development. It is anticipated a 5 year supply will be demonstrated when the Local Plan is adopted but at this time it cannot be supported.

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

In this case, the development would provide market and some affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

The importance of these proposals to the delivery of the Congleton Link Road are important considerations in this case, and the reason why there is a proposed reduction in the amount of affordable housing.

The development is considered to meet the emerging Local Plan policy requirements, and no objections have been raised on matters of highway impact, landscape impact, ecology, trees, POS and public rights of way, subject to mitigation works as set out in the report.

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

Recommendation: Approve subject to 21 day consultation with Jodrell Bank, a Section 106 Agreement and conditions.

1. SITE DESCRIPTION

This application relates to a 24-hectare site on the northern side of Congleton. The site currently consists of three large agricultural fields, used for crop growing. The site extends northwest from the northern edge of the Radnor Park Industrial Estate, essentially following the top of the slope of the River Dane, which is at a significantly lower level than the site. The slope down to the Dane is largely wooded – some of it Ancient Woodland, and very steep in places. With the exception of the industrial estate, the site adjoins farm land or woodland to all boundaries, and it currently has access to Back Lane adjacent to the industrial estate, and further to the northwest close to the western end of the Back Lane playing fields. Back Lane is currently a narrow country lane with no pedestrian footways.

In the future however the area will change significantly with the building of the Congleton Link Road (CLR) which will split the site in two, with a sizable area of the site being required for the road and associated infrastructure, embankments, mitigation planting etc. The site area would include a roundabout giving access onto Back Lane, and a cutting leading to the River Dane bridge crossing. Back Lane would be upgraded as part of the CLR works.

2. DETAILS OF PROPOSAL

This application seeks outline planning permission for:

“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.”

The application is accompanied by a number of plans including a parameters plan showing land use and building heights. This effectively breaks the site down into six elements:

- i. Employment uses to the north of Radnor Park Industrial Estate.
- ii. Residential area to the south of the Link Road, to the north of the recently approved Russell Home development off Back Lane.
- iii. A small area of employment uses including retail class A3/A4 Uses in the “island site” created between the Link Road, it’s roundabout and Back Lane.

- iv. Land required for the Link Road what already has the benefit of planning permission but forms part of this site.
- v. Residential area to the north of the Link Road.
- vi. An ecological mitigation area to the north-western end of the site.

3. RELEVANT PLANNING HISTORY

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 July 2016

Immediately adjacent to the south of the site:

16/0514C – Outline application for demolition of some existing buildings and the development of a residential scheme composing up to 140 dwellings, open space, landscape, access and associated infrastructure - Land at, Back Lane, Congleton. MINDED TO APPROVE subject to a Section 106 Agreement

4. PLANNING POLICIES

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

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

Policies in the Local Plan

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

NR5 Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Strategic Housing Land Availability Assessment (SHLAA)

North West Sustainability Checklist

Article 12 (1) of the EC Habitats Directive

The Conservation of Habitats and Species Regulations 2010

The North Congleton Masterplan

Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC3 – Health and Wellbeing

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 - Design

SE2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 - The Landscape

SE5 – Trees, Hedgerows and Woodland

SE9 –Energy Efficient Development

IN1 - Infrastructure

IN2 – Developer Contributions

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

The latest wording reads as follows:

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

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

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

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

Site Specific Principles of Development

- a. Contributions towards the Congleton Link Road / complimentary highway measures on the existing highway network.
- b. The provision of a network of open spaces for nature conservation and recreation, including access to and enhancement of the River Dane Valley Corridor as shown in Figure 15.26 of the LPS. Development should retain and enhance areas of landscape quality / sensitivity.
- c. The timely provision of physical and social infrastructure to support development at this location.
- d. The achievement of high quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.
- e. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.26 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.
- f. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.
- g. The provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities.
- h. A desk based archaeological assessment will be required for any future application on this site.
- i. The site will provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).
- j. Future development should have reference to the River Dane Local Wildlife Site and Ancient Woodland.
- k. Future development should also have consideration to Policy SE14 (Jodrell Bank).
- l. In order to ensure a sustainable, mixed use scheme is delivered on the site, the Council will require all housing proposals to demonstrate, through the execution of an s106 Agreement or appropriate alternative, how the delivery of employment land as an extension to the Radnor Park Trading Estate will be positively supported.

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

The site subject of this application makes up the eastern third of the site, including two of the residential parcels, and both employment areas but still only part of the overall site allocation which includes other residential sites (most of which now have some form of planning approval, outline or full), public open space, land for the link road and the Dane Valley. The wording of the policy has been amended during the Local Plan process and the site has been changed from a strategic location to a specific site.

Somerford Neighbourhood Plan

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

CONSULTATIONS:

United Utilities: No objections subject to conditions relating to foul and surface water being drained on separate systems, and submission of a surface water drainage scheme based on a hierarchy of drainage options.

Jodrell Bank: Oppose the development and whilst they note that the impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor, this is a general direction in which there is already significant development close to the telescope. They ask that Cheshire East take this into consideration in reaching its

decision, noting that the cumulative impact of this and other developments is more significant than each development individually.

Environmental Health: They note that whilst an Environmental Statement accompanies the application, as the application is only in outline and as such the full details of the proposal are not known at this stage, they giving a range of comments and suggested conditions with regards to the construction and demolition phase, lighting, air quality and contaminated land. They however reserve the right to consider in further detail the need for conditions to protect amenity which may not be suggested here at the reserved matters stage.

Education: The development is expected to generate 51 primary children, 40 secondary children and 3 SEN children, and that owing to the shortfall in the provision in all three areas a contribution of £1,343,369 is required. If this is not secured then Children's Services raise an objection to this application.

Housing: Raise no objections to the application on the basis that 30% of the dwellings are affordable (83 if all 275 units are built) on a ratio of 65/35 between social rented and intermediate housing.

Flood Risk Officer: The site is flood zone 1, although they note that the River Dane to the north of the site is within zone 2. They feel the risk of flooding from this source will need to be appropriately mitigated before development can commence on site and shown in the appropriate documents submitted. A number of conditions are therefore recommended.

Strategic Highways Manager: Detailed comments have been given on the proposals, in relation to the relationship with the CLR, more localised impact, accessibility and what they feel should be covered by conditions/106 contributions. These matters are explored in depth below.

Public Rights of Way: Again detailed comments have been given on the proposals as there are important linkages that need to be retained and provided across the land, and in particular made to provide for access onto the CLR and into the Dane Valley. These matters are again examined in more detail below.

ANSA (Public Open Space): There are areas of wildlife habitat, woodland and natural open space however these are completely different typologies to Children and Young Person Provision (CYPP) and Amenity Green Space (AGS) required by policy.

Based on Interim Policy Note in the absence of a housing schedule an average dwelling is 2.4 persons per dwelling with 10sqm per person of AGS.

275 dwellings X 2.4 persons = 6,600 sq. m of AGS this figure however could change if the housing mix changes. In addition to the AGS 1,000sq m needs to be available for a NEAP sized play area.

Archaeology: The proposed archaeological mitigation, a programme of archaeological work prior to construction commencing, as outlined in section 9.67 of Chapter 9: Archaeology and Cultural Heritage of the Environmental Statement is considered an appropriate means of dealing with the archaeological potential of the proposals. Cheshire Archaeology Planning Advisory Service would therefore recommend that, should planning permission be granted to this, or any

similar scheme, such a programme of archaeological work is secured by means of a planning condition.

VIEWS OF THE PARISH / TOWN COUNCIL

Somerford Parish Council – Object to the application on the basis that the strategic site has been increased (SL6/CS44) to accommodate development north of the link road is unacceptable. This will lead to further development into the open countryside.

In addition they feel this application is premature as it is dependent on the Congleton Link Road. It is disappointing that the employment land has been dropped from 10 hectares to 6.3 hectares (SL6/ CS44 = 10 hectares of employment). They feel this is vital to retain the original figure submitted and not reduce it for financial gain. The land use has been changed to B1, B2 and B8 – this again they feel is wrong as Congleton needs manufacturing employment not storage / offices and light industrial . The Local Plan paragraph 11.6 stated there was a desire for manufacturing and engineering employment to increase prosperity. This is a contradiction. It should be a robust employment site for core employment use. It is the wrong type of industry.

It should be noted that the 50m buffer zone on the SBI has not been adhered to as guided by the Cheshire Wildlife Trust.

Looking at further submitted details they comment:

Footpath to the Dane

The proposal to form a footpath through the wooded area, down the steep embankment, to the Dane is a good idea – although the PC is unsure about the fact that the path ends at the river with an arrow pointing across to the other side with a note “Links to wider residential development”. This would suggest that a bridge of some sort is to be built across the river – assuming that stepping-stones are impractical at that point. We need to understand who is going to build and finance it and thereafter maintain it? We need some clarity on that – is it from s.106 monies?

Further concern regarding this footpath is brought about by our experience with Loachbrook 2 which also had a proposal (by the promoter) for a footpath/cycleway to link the development with Loachbrook 1 by a crossing over Loachbrook. That has now seemingly been abandoned by the developer/builder who clearly see little advantage in spending money on such a project and the CEBC seem disinterested in pursuing the issue. It is abundantly clear that a crossing of the Dane at this point will not happen and very likely the footpath will be forgotten unless safeguards are put in place and enforced.

The Parish Council request for a commitment that:

1. The construction of the footpath to the River Dane be made a condition of any planning grant, to be provided and usable at an appropriate point in the development but in any event prior to completion;
2. That an enforceable provision be made for a suitable “all-users” crossing of the River Dane between CS44 and CS45 to be constructed and maintained at the expense of the promoters/developers/builders at an appropriate point in the development but in any event prior to completion;

Back Lane

It is clear that the argument against the use of Back Lane as the principle route for traffic to and from the Radnor Park Industrial Estate was lost when the Link Road planning application received approval. However, the issue regarding New Back Lane, the link from the roundabout opposite the school to Chelford Road/Blackfirs Lane is still an alive issue. The Parish Council wish that this length of Back Lane is closed to HGV's. The Parish Council request a condition of a weight restriction of at least 7.5 tonnes is applied to this stretch of road.

Land North of the Link Road

The amendment does, of course, still provide for development north of the Link Road, on the understandable basis that the proposed Local Plan has been specifically amended to allow just that. The Parish Council argue against this strategy and hope it is rejected at examination."

Note that these comments were received in advance of the Local Plan examination.

Congleton Town Council – Recommend refusal as insufficient employment land is proposed, and land north of the link road is not included in the Local Plan.

REPRESENTATIONS

A number of objections have been received from neighbours, including some local business:

- The development is premature in advance of the Link Road being constructed
- The application is premature in advance of the Local Plan and the Congleton Masterplan being adopted
- This application seeks to minimise the amount of land allocated for employment which goes against the NPPF and the key reasons for the need of a link road
- There should be no development north of the link road as it will set a unwelcome precedent
- Concerns about impact on the SBI and ancient woodland
- Concern about the vehicular access to the industrial estate from the CLR and being shared with residential traffic
- Loss of open countryside and change in character of the area
- Flooding/drainage concerns
- Pressure on local services including schools
- Impact on Jodrell Bank
- Highway safety concerns, lack of footways for pedestrians
- Concerns about impact during the construction phase

It is important to note that the majority of the comments were received before the Local Plan hearings were held in October 2016 and the Inspectors note in December 2016 so issues of prematurity for example have to a large extent been overtaken by events.

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

APPLICANTS SUBMISSION:

The application is supported by an Environmental Statement (ES) (Volumes 1-3) and in addition the following documents have been submitted:

- Supporting Planning Statement
- Statement of Community Involvement
- Illustrative Framework Masterplan
- Parameters Plan – Land Uses and heights
- Landscape Strategy Plan
- Proposed Radnor Park Roundabout
- Proposed Back Lane/Employment Leisure Area Priority Junction
- Proposed Back Lane Link/Residential Access
- Proposed Access to Residential North of CLR
- Proposed Extension to 3rd Avenue

These reports can be viewed on the application file, but it is important to highlight that many of these have been amended during the lifetime of the application.

APPRAISAL:

HOUSING LAND SUPPLY

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

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

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

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

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

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

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

SUSTAINABILITY

The National Planning Policy Framework definition of sustainable development is:

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY

COUNTRYSIDE AND LANDSCAPE IMPACT

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

The site is on the western edge of Congleton, north of Back Lane and divided into two unequal parts by the line of the proposed Congleton Link Road (CLR). The smaller northern part is entirely residential development, while the much larger part south of the CLR consists of C3, B1, B2, B8, A3 and A4 uses. Currently the application area (within the red line) consists of several large arable fields on gently rolling land to the south of the edge of the Dane Valley. Land ownership extends into the Dane Valley and on the eastern side of the site the ownership boundary is the river. Most of the steep valley side is occupied by woodland much of which is Ancient Semi Natural woodland (ASNW) and all is a Local Wildlife Site (LWS). A large part of the site is within the current boundary of the ASCV, but the area has been allocated for development within the emerging Local Plan Strategy and is truncated by the CLR. The flatter farmland is within the Lower Farms and Woods LFW2: Brereton Heath character area while the river valley is within the Dane River Valley Character area of the Cheshire Landscape Character Assessment adopted in 2009.

A Landscape and Visual Impact assessment was prepared for the application area. Viewpoints were agreed with the applicant prior to undertaking the assessment. There was broad agreement with the conclusions of the assessment, but in two areas there were concerns that the impact of the proposed development had been underestimated. These have been addressed by landscape mitigation in 3 areas (see woodland planting/ ecological mitigation and woodland buffer on the Parameter Plan A-01-002) and a restriction on employment building heights and number of residential storeys, also shown on the parameter plan. This mitigation combined with other changes to the original layout together with the landscaping for the CLR have reduced impact on the landscape of the Dane valley (to the north and east) to an acceptable level. To the west of the site further development has been granted planning permission and south of the site is the existing Radnor Park employment site.

There are concerns about the quantity of play space and public open space that can be achieved within the housing development areas. Minimum standards for play space have been set out by ANSA and they note that the ecological mitigation areas, ASNW and land associated with the footpath link to the Dane contribute to the green infrastructure provision of the development. The recent comments from Public Rights of Way suggest an amendment to the footpath/cycleway which runs through the woodland buffer area adjacent to the Dane Valley. This will provide a route which connects the existing cycleway on the CLR to the proposed Dane (pedestrian/cycleway) crossing and connects to routes through the housing/employment areas. Bridge landing rights will be required on the bank of the river Dane, although a bridge is not part of the proposed scheme.

The emerging local plan policy for site CS44 Back Lane/Radnor Park Congleton states:

- “8. Provision of pedestrian and cycle links set in green infrastructure
- 9. Provision of a new country park as set out in figure 15.26.”

The country park area as shown in figure 15.26 covers the entire area shown as “Existing woodland outside the application area” (within the blue line) and “Area for footpath link to River Dane” as shown on the submitted parameter plan. This policy could be fulfilled if the land is dedicated for appropriate public access (consistent with the areas status as ASNW and LWS) in perpetuity, together with an appropriate management mechanism (such as a management company or transfer to the local authority or an appropriate not for profit organisation) and an

agreed management plan. It is considered this matter can be addressed by a condition requiring a management plan for these areas of the site.

HIGHWAY SAFETY & TRAFFIC GENERATION

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Paragraph 32 of the National Planning Policy framework states that:-

'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that any plans or decisions should take into account the following;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Access Arrangements

The access to the employment area that is an extension to Radnor Park is taken from a new roundabout to be formed on Back Lane, this access will also be the main access to the residential development. A small amount of residential development is also proposed to be accessed from a new priority junction formed on the eastern side of the Back Lane Link.

A highway link into the existing Radnor Park estate is also proposed for the whole (referred to as full in the TA) application.

Additional residential development (c100 homes) is proposed on the north side of the Congleton Link Road (CLR), access is taken from the northern arm of the Radnor Park Junction roundabout.

The Phase 1 scheme (residential development of up to 175 houses south of the Link Road) proposes access of a new roundabout on Back Lane as its sole access point.

The design of the access arrangements are acceptable; essentially they take access from junctions proposed for the CLR which was subject to a full safety audit and which has the benefit of an extant planning approval.

Traffic Analysis

In capacity terms it is accepted that the access at Back Lane will work effectively at the design year.

However, there are frequent capacity problems at the 'Waggon and Horses' gyratory. A simple modelling approach to this junction is not agreed. Junctions on the A34 corridor suffer from 'through queuing' where delays at one junction impact on the operation of the next. Static traffic assessments as undertaken by the applicant do not accurately reflect this and in this urban, heavy congested situation have a tendency to under represent delays.

The Applicant has proposed no mitigation measures to address this impact and the findings or modelling approach of the phase 1 traffic assessment are not accepted.

The assessment of the full development has also been undertaken at the same junction locations with the CLR in place and utilising the same assessment tools. The results indicate that in 2027 the junctions at Back Lane and the A34 operate within capacity.

Though utilising the same tools, this approach is accepted in this scenario – the introduction of the CLR removes significant levels of traffic from the A34 corridor. These modelling tools are much more effective where complex interactions (delays) between junctions are not likely to occur.

The results show that the key junctions work effectively with the full development in place and the provision of the CLR.

Assessments of the new roundabout junctions associated with the CLR and site access have also been undertaken by the applicant and these have been shown to operate within capacity levels with the development in place.

Accessibility

In regards to the accessibility of the site, there is no footway on Back Lane that links the site to the existing footway at Radnor Park although it is planned that a link is provided to the footway network to the south of the site on 3rd Avenue via the access link to the existing industrial estate. The site will incorporate a number of internal footways and cycle-ways linking with the new facilities on the CLR and the improved Back Lane. The nearest bus services are located on Chestnut Drive, these are some distance from the site and the services are mainly hourly in frequency, the railway in Congleton is also some distance away from the site and not within a reasonable walking distance.

A pedestrian link to the adjacent Russel Homes site is proposed

No safe links to the Back Lane playing fields are proposed as part of the Phase 1 scheme nor any linkage to the existing Radnor Park employment park. It is not sufficient to rely on the access through a 3rd party site (with unknown delivery timescales) to provide safe and suitable access to the Back Lane planning fields.

In summary, it is unclear how safe pedestrian access to the site is available at the Phase 1 stage of the site.

The application acknowledges the benefits it providing a 'Greenway' link across the site to connect the whole of the 'North Congleton' development area. The applicant has worked with the

highway authority to investigate the prospects of a new footbridge crossing of the river Dane. The applicant has agreed to provide the necessary land and deliver improvements to the location of the proposed bridge crossing.

Work has demonstrated that it is not practicable to deliver a fully accessible path to the location of the proposed footbridge. This is due to severe gradients and the required engineering works causing significant harm to the existing ecology and woodland.

To accommodate a safe and accessible means of crossing the river Dane and providing the required linkages a scheme for the linking of the site to the proposed CLR highway crossing of the CLR will be required.

The applicant will be required to provide a 'recreational' standard access path of the bridge crossing along the lines of the existing access track. A sketch of the access solution is proposed. A condition will be required for the final details to be agreed.

Design and deliverability Considerations

The 'Phase 1' access strategy proposes delivering the roundabout as approved for the CLR.

However, no evidence has been provided to demonstrate that it is both feasible and safe to deliver the roundabout in isolation as a 'stand-alone' product without the complimentary upgrade of the improvements to Back Lane that are also proposed as part of the Congleton Link Road Scheme.

The strategy as proposed would lead to a large roundabout accessed of a narrow country lane with inadequate entry path curvature and deflection. The applicant does not control the land required to deliver the improvements to Back Lane.

The application has proposed no strategy as to how such a roundabout would 'tie in' to the existing road network in the absence of the wider improvements to Back Lane. The red line boundary does not cover any works required to Back Lane.

The access arrangements for the full development and also phase 1 require delivery of highway improvements on 3rd party land which is not adopted public highway. It is unclear how these improvements could be practically delivered in the absence of the delivery of the CLR. It is not possible for the Highway Authority to enter into a S278 agreement to construct highway improvements if the applicant cannot demonstrate control of the land.

As planning permission should only be granted if there is a reasonable prospect of the development coming forward it is unclear that in the absence of the delivery of the CLR this certainty can be provided.

Indeed, the applicant does not have control of the land in question to deliver this roundabout and therefore it would not be possible for the Highway Authority to enter into a S278 agreement to deliver this improvement

Congleton Link Road

Policy 5.235a of the Council submitted Local Plan states: “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 site cannot be comprehensively delivered without additional highways capacity provided by the proposed Congleton Link Road

The CLR includes the delivery of the entire improvement of Back Lane, which includes the provision of a shared-use cycle. The approved Russel Homes application on Back Lane proposes the widening of Back Lane as per the proposals for the CLR. However, though there is a resolution to grant permission for this application, the S106 agreement has not yet been signed. A planning permission is not yet therefore formally in place – and even if there was there is no guarantee on the pace (or indeed even if) this application would come forward and deliver the Back Lane improvement. Only the CLR can be relied upon as a trigger for these works to be delivered as the basis for a grant of planning permission.

The CLR will also provide a ‘spur’ from the existing industrial estate (3rd Avenue), helping address the pedestrian connectivity issue previously highlighted.

The CLR is fundamental to deliver this scheme in both practical terms and planning policy terms. Even the applicant acknowledges this for the full site delivery.

The proximity and access issues to the CLR and the issues of cumulative traffic impact present the opportunity for this development to make an additional contribution towards the delivery of the CLR.

The Local Plan States: para: 15.226 “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. New housing is seen as important as part of a balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and deliver the Congleton Link Road.”

The First principle of the Site Specific Policy for Site CS 44 (Back Lane / Radnor Park, Congleton) is “The delivery of, or a contribution towards, the Congleton Link Road”

Policy 5.235a of the Council submitted Local Plan states: “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 site cannot be comprehensively delivered without additional highways capacity provided by the proposed Congleton Link Road and, as such, the Council will seek to ensure appropriate contributions to the Congleton Link Road. The Council will be mindful of the costs of bringing the site forward in such circumstances and will consider alternative affordable housing provision where it is demonstrated through robust viability evidence that 30% affordable housing would render the development of the site unviable (in line with paragraph 7 of LPS policy SC5 (Affordable Homes).”

In June 2016, at its Cabinet Meeting, the Council agreed to underwrite the funding of the Congleton Link Road. The level of any funding shortfall depends on the scale of contributions achieved from developments in the North Congleton Area.

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 CLR. Negotiations with the developer have agreed that a contribution of £15,000 per dwelling will be made available (Index linked) subject to a reduction in the provision of Affordable Housing to 17.5%. This level of contribution is considered acceptable and is in line with the recommendations of the independent viability work and previous resolutions of the planning committee. This site would form the second of the large developments earmarked to make a significant financial contribution to the link road.

A contribution of £4.125m would be realised on the basis of the 275 dwellings tested through the Transport Assessment.

It has been agreed with the applicant that a minimum contribution of £3,090,000 will be provided irrespective of the number of dwellings approved at the reserved matters stage.

Summary and Conclusion

The transport assessment in support of this application has considered the development impact with the CLR in place and without. Subsequent to the submission of this application, planning approval has been given to the CLR.

- Phase 1 (Up to 175 properties south of the CLR)

Although, the applicant's assessment results indicate that a Phase 1 development can be accommodated without the CLR, this is not accepted and this along with other committed developments would have a significant impact on the A34 corridor through Congleton. The Council does not accept the findings of the Transport Assessment that the Waggon and Horses roundabout is not congested. This assessment runs counter to both the Council's own assessment and other recently submitted transport assessments in the locality.

No highway mitigation measures have been identified for this phase.

In the absence of the wider improvements and re-alignment of Back Lane which only the CLR can guarantee to deliver it has not been demonstrated that the proposed 'phase 1' 'stand-alone' roundabout is safe or could comply with relevant technical standards utilising land available in the existing adopted highway.

The pedestrian linkages from phase 1 are proposed via a link to 3rd Avenue – yet this link is also not included as part of the delivery strategy for phase 1; again it is to be delivered by the CLR.

The strategy for the delivery of the CLR access road to the Radnor Park employment land is not consistent with the proposal of the application Masterplan. The phase 1 access road has a different geometry where it joins the Back Lane roundabout than the CLR proposals.

Delivery of road of the alignment proposed by this application would therefore prevent the delivery of the CLR proposals to connect the new Back Lane into the industrial estate. The highway authority is comfortable that an alternative alignment is possible – however to ensure that the full connection can be made if these proposals are approved it will be necessary for the

developer to make the connection to Radnor Park prior to commencement and a condition is therefore recommended.

Wider pedestrian connections from the site are dependent on the CLR; for example, in the Phase 1 situation as proposed there would be no footpath access to the Playing Fields at Back lane without the improvement of the whole length of Back Lane; without the delivery of the CLR (of which the Back Lane improvements form part) the site is not considered to be fully accessible to local facilities.

Finally, it is not clear how the delivery of the roundabout access itself could practically be delivered in the absence of the CLR. The land edged red does not include the land required to widen or re-align Back Lane and the Transport Assessment does not acknowledge this is required.

The applicant does not have control of the land in question to deliver this roundabout and therefore it would not be possible for the Highway Authority to enter into a S278 agreement to deliver this improvement. Once the CLR is under construction the land will vest with the Highway Authority.

The Highway Authority cannot support the delivery of Phase 1 of this application without the commencement of delivery of the CLR and the practical completion of the length of Back Lane that provides safe and secure access to the recreational facilities of Back Lane.

- Full Application (the remaining elements of the development)

The full application is considered to be acceptable if the CLR is delivered. With the CLR in place, pedestrian connections are in place and there are no concerns about the traffic impact of the development. The CLR also unlocks direct access to the site.

The application proposes a funding strategy for the link road which is in line with the Councils planning policy has been viability tested and is consistent with other planning approvals.

There is local concern about the impact of Heavy Good vehicles utilising the Back Lane link to Chelford Road. The CLR provides a direct access to Radnor Park and existing traffic from this site would be encouraged to use the new CLR. It is essential that prior to the delivery of any of the employment uses this link is fully delivered. Provision of a weight limit and traffic calming on this section of road would be beneficial in limiting such use.

A number of conditions/106 requirements are recommended:

1. Commencement of phase 1 to be restricted until the Council has entered into a construction contract for the full construction of the Congleton Link Road
2. Commencement of Phase 1 to be restricted until the sectional completion of the length of the Back Lane improvements highlighted in Blue on plan Ref SCP/15116/F02 has been completed and adopted as public highway
3. Prior to the commencement of Phase 1 the roundabout as approved in the Congleton Link Road Planning Application will be delivered via a S278 agreement, unless already delivered by the CLR scheme.

4. Prior to commencement of phase 1 a scheme for the provision of a suitable highway link between the existing Radnor Park estate and new Back lane roundabout be approved by the highway authority and implemented prior to first occupation.
5. Commencement of the full application to be restricted until the CLR is completed and adopted as public highway.
6. Delivery of footpath linkage to the adjacent Russel Homes site prior to completion of the 20th dwelling
7. Construction Management Plan to be submitted prior to commencement.
8. Travel Plan to be submitted prior to occupation of the first dwelling.
9. Delivery of Local Traffic Management Scheme along the section of Back Lane between the CLR roundabout and Chelford Road prior to the bringing into use of any of the employment uses.
10. S106 contribution of £5,000 for the making of any Traffic Regulation Orders on Chelford Road or Black Firs Lane in support of a 7.5t weight limit on the section of Back Lane between the CLR roundabout and Chelford Road.
11. A S106 contribution £15,000 per dwelling to the Congleton Link Road in lieu of the full Affordable housing provision (To be provided at 17.5%) as provided for in the submitted Local Plan Strategy (in accordance with Policy 5.235a). The maximum contribution will be linked to the number of houses approved at reserved matters. A minimum or 'floor' condition of £3,090,000 has been agreed with the applicant irrespective of the minimum number of houses delivered.
12. A scheme for the provision of a footway/cycleway access to the proposed CLR bridge crossing of the River Dane shall be submitted and approved by the Strategic Highway manager. This access link should be provided prior to first occupation.
13. A scheme for the improvement of the existing access track shall be submitted and approved by the Strategic Highways Manager. The land required to deliver this track and the delivery of the access improvements will be required prior to first occupation.

DRAINAGE AND FLOODING

As highlighted above under the comments from the Flood Risk Officer the site in question is in Flood Zone 1, at low risk of flooding, although it is noted the Dane Valley below the site is within Zone 2/3 so care will be needed during any construction phase to avoid impacts on the river and in particular impacts of pollution. Drainage is more of an issue and is fully considered as part of the supporting Environmental Statement. No detailed proposals have been put forward, but it is proposed to address possible issues with sustainable drainage measures to reduce run off to acceptable levels and prevent possible impacts on the adjacent woodland and river beyond. The Flood Risk Officer agrees these matters can be addressed at the Reserved Matters stage of the application.

FORESTRY

The application is supported by a Tree Quality Survey and Development Implications Report (Tyler Grange Report 2272_R04a_LP_MR dated 7th January 2016 which is included as Appendix 7.7 of the Environmental Statement.

The report generally accords with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

The survey has identified 11 individual trees, 11 groups of trees and 4 hedges within and immediately adjacent to the application site. One identified group (G4) located along the northern boundary is Radnor Wood which is scheduled as W20 within the Congleton Rural District Council (Valley of Dane) Tree Preservation Order 1954. The protected woodland is included in the River Dane (Radnor Bridge to Congleton) and Forge Wood Local Wildlife Sites and identified as an area of Ancient and Semi Natural Woodland.

A second group (G2) is identified as a defunct boundary hedgerow within the Management section of the report.

Access is proposed from Back Lane and the Congleton Link Road (now approved on 28/7/2016) the latter requiring the loss of four groups of trees (G1, G4, G5 and G6) and three hedgerows (H1, H2 and H3), some of which are of moderate category to facilitate improvements to Back Lane (Group G6) and access into the site (Group G5)

The proposed spur road linking Back Lane and Third Avenue will also impact on two moderate category groups of mainly Oak and Sycamore (G1 and G3) which will potentially resulting in some tree loss and will require quantifying at reserved matters.

The relationship/social proximity of proposed residential use to the woodland buffer and position of employment use buildings to the woodland will be required to respect the design recommendations and guidelines required under Section 5 of BS5837:2012. Accordingly any future reserved matters application shall be supported by an Arboricultural Impact Assessment in accordance with Section 5 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations which shall include a Tree Protection Scheme and where technical design requires an Arboricultural Method Statement submitted to demonstrate that operations can be undertaken with minimal adverse impact on retained trees.

ECOLOGY

Congleton Wildlife Corridor

The southern extent of the red line of the application is located in close proximity to the Wildlife Corridor as shown in the Congleton Local Plan, but the red line of this application is outside the wildlife corridor.

Ancient Woodland

The proposed development is located adjacent to the River Dane (Radnor Bridge to Congleton) and Forge Wood Local Wildlife Sites. Both of these Local Wildlife Sites support ancient Woodland Habitats.

Ancient Woodlands receive specific protection under paragraph 118 of the NPPF. Ancient woodlands are sensitive to a number of impacts resulting from adjacent development, including, tipping of garden waste, loss of woodland edge habitats, changes in hydrology/water quality, light pollution and pollution by garden chemicals etc.

In order to mitigate the potential impacts of the proposed development upon the ancient woodland and local wildlife sites the ES recommends that a minimum 15m buffer be provided along the sites north and eastern boundary. It is advised that this is in accordance with current best practise. Please note however that these buffers are beyond the red line of the application

but do fall into the blue lien submitted by the application. This buffer should be unlit and free from any development including levels changes. If planning consent is granted it is recommended that the provision of this buffer be made a condition.

The drainage scheme for the proposed development has the potential to have an adverse impact upon the hydrology of the adjacent ancient woodland. The ES submitted in support of the application proposes that discharge from the site be at greenfield rates and two stages of treatment are proposed to improve the quality of discharged water.

It appears likely that the drainage scheme developed for the site would discharge into the River Dane. No indicative locations have been provided for the outfalls and I advise that the installation of outfalls into the river has the potential to have an adverse impact upon the ancient woodland habitats and Local Wildlife site associated with the river. This is an impact that does not appear to be have been considered as part of the EIA process.

It is recommended that the applicant provides indicative locations for the drainage outfalls and advise that these must be sited to minimise their ecological impacts.

This application provides an opportunity to secure the long term management of the woodland/LWS. This could be made a condition of any outline consent granted.

Badgers

An updated badger survey has been undertaken and submitted as part of the addendum ES. A number of setts have been recorded, but a number of these are discussed. The submitted surveys was constrained by the difficult terrain within the woodlands and the dense nature of the vegetation. However based on the available information the setts are all located within the woodland bordering the site and so would not be directly affected by the proposed development.

As the status of badgers on a site can change within a short time scale it is recommended that if planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey. It must be ensured at the detailed design stage that the proposed development does not resulting the isolation of any of the identified setts

Bats

Based upon the submitted bat activity surveys the woodland edge habitats appear to be the most important features present for bats. The proposed woodland buffers and the avoidance of lighting in these areas would assist with mitigating the potential impacts of the development upon bats.

Roosting bats are not likely to be affected by the proposed development of this site.

Great Crested Newts

A small population of great crested newts has been recorded at two ponds in close proximity to the proposed development. In the absence of mitigation, the proposed development would have an adverse impact upon this species due to the loss of terrestrial habitat and the risk of animals being killed or injured during the construction process.

An outline mitigation strategy has been submitted which includes the provision of 2.7ha of replacement terrestrial habitat, the provision of two new ponds and the translocation and exclusion of great crested newts from the footprint of the proposed development.

The proposed outline mitigation and compensation is sufficient to maintain the favourable conservation status of great crested newts.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive
Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

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 provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

Detriment to the maintenance of the species

The Council's Nature Conservation Officer has advised that with appropriate mitigation, as proposed, there should be no harm to Great Crested Newts. As there were queries about the location of these replacement ponds condition is recommended requiring an updated mitigation strategy at the Reserved Matters stage.

Common Toad

This priority species may also potentially be present on site. The proposed great crested newt mitigation and compensation is also likely to address any impacts upon this species.

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. The submitted ES values hedgehogs as being of site value (if present). As a priority species, this is possible an under evaluation of this species. The retention of the woodland buffers would however mitigate the impacts of the development on this species and if planning consent is granted it is recommended that a condition be attached providing for gaps for hedgerows in gardens.

Brown Hare

The proposed development would result in the loss of a significant area of farm land which is potentially utilised by this species. The submitted ES states that, if this species was present, this impact would be a permanent minor adverse. The retention of the woodlands and the incorporation of the suggested buffer zone would reduce this impact, but the loss of open farm land is difficult to fully compensate for.

Polecat

This priority species may be present on site. The retention of the woodland habitats within the required buffers would reduce the potential impacts of the proposed development upon this species.

Proposed on site wildlife corridor

A wildlife corridor is proposed along the sites northern boundary. This would help to maintain connectivity for a number of species including, bats, badgers, common toad, polecat etc. Whilst this ideally should be increased in width, this would have impact on the amount of housing/employment that could be provided on site, and it is accepted that the overall provision is acceptable.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Apart from minor loss of a short section of a defunct hedge H6 (for the realigned access to Third Avenue) there will be no loss of hedgerows as a result of the proposed development as these will occur as a result of the CLR development and would be mitigated accordingly as part of that scheme. This is clarified in the ES Addendum.

Unimproved grassland and ponds

Two areas of unimproved grassland and a number of ponds were recorded during the submitted habitat survey. These have been valued by the ES as being of 'Site' value. It is advised that this

is likely to be an under evaluation of these habitats. Further more detailed surveys of these habitats would be required to establish their nature conservation value. However these habitats lie outside the red line of the application and so are not directly affected by the proposed development.

Integration with proposed Congleton Link Road Mitigation/compensation

An area of proposed housing shown on the submitted illustrative masterplan encroaches into an area proposed for compensatory habitat for the loss of ancient woodland associated with the Link Road Scheme. This area is located to the north of the spur of woodland projecting from Radnor Wood at grid reference: SJ84286435.”

At the request of Officers, and to demonstrate consistency within this application submission, the revised plans have been updated to align with the approved CLR plans. The revised plans show CLR mitigation in line with the CLR planning permission, meaning that there are now no discrepancies between the CLR plans and these proposals.

URBAN DESIGN/MASTERPLAN

This matter has been the subject of extensive discussions with the applicant's agents as, although the application is in outline with all matters reserved – save access, there was a need to ensure that the parameters set out in the application addressed the various issues on the site, and that the applicant's had demonstrated that the uses could be accommodated on the site successfully.

The application is supported by a design and access statement which states the housing areas amount to some 7.9 hectares net (9.78 gross), amounting to a housing density of 34.8 dwelling per hectare based on 275 units. Residential units would be from 2-3 storeys high, with a requirement for lower units to the site boundaries with the open countryside. No more than 2.5 storeys would be accommodated in the development north of the link road. The requirements for public access, SUDS and POS are discussed elsewhere in this report and the commercial uses are discussed below.

Overall it is considered that the range of uses can be accommodated on the site as set out in the parameters plan but it needs to be noted these are the maximum amounts. The detail will of course be addressed at the reserved matters stage.

AMENITY

There are very few properties in the vicinity of the proposed site, and these are well separated from the proposed development. As such there are unlikely to be any amenity concerns for existing residences, but in any event would need to be looked at in more detail at the reserved matters stage.

Other amenity issues associated with the construction stage of the development and impact more generally in the area is addressed below.

DEMOLITION AND CONSTRUCTION PHASE

A condition is recommended by Environmental Protection to require the submission of an Environmental Management Plan

CONTAMINATED LAND

Environmental Protection recommend a series of contaminated land conditions to ensure there are no issues related to the site, despite its former agricultural use, including testing soils etc. brought onto site, and outlining measures that will be undertaken if contamination is found on site.

AIR QUALITY

This is a concern in Congleton, which has Air Quality Management Areas which were declared as a result of breaches of the European Standard for nitrogen dioxide (No₂). The submitted ES indicates that there will be impacts on air quality ranging from negligible to major adverse, but that a range of mitigation measures can be used to address these impacts. As such Environmental Protection recommend conditions relating to calculating the air pollution damage costs and agreeing appropriate mitigation measures together with requiring a low emission strategy to be submitted; requiring electric vehicle charging for each dwelling; submission of details of a residents travel information pack; measures to protect residents from the impacts from the CLR and finally dust control measures during demolition and construction phases.

LIGHTING

Details of any lighting proposed should be agreed by condition to prevent unnecessary light spillage and pollution as part of the development.

Environmental Role - Conclusion

The site is a greenfield site and therefore not the first priority for development. However, it is acknowledged that the Council's Strategic Housing Land Availability Assessment (SHLAA) recognises that the land is capable of development for housing, and as noted above, the site is within the policy which is also a preferred site for housing/commercial development (site CS44 (Formerly SL6) Back Lane/Radnor Park) within the Local Plan Strategy.

The site is reasonably accessible to a range of facilities, existing and proposed, and means that occupiers of the development will not be totally reliant on the private car, although it is acknowledged that in terms of its location, and accessibility the development is not the most sustainably located site. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it.

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

Highways have raised no objections to the proposed development, and the report sets out the importance of the development to the delivery of the Link Road.

Issues associated with Ecology, Landscape impact and Environmental factors are capable of being addressed, largely at the reserved matters stage and through the use of conditions.

ECONOMIC SUSTAINABILITY

LOSS OF AGRICULTURAL LAND

This matter is considered in the applicants Environmental Statement which concluded that:

- The agricultural land on the site comprises a mixture of Grade 2, 3a and 3b land.
- Whilst the agricultural land on this site does comprise a proportion of grade 2 & 3a and is “best and most versatile” land as defined in the NPPF, the loss such land on this site and the importance to be attached to it should be viewed within the context that the lack of the 5 year housing land supply is given weight in the planning balance by Inspectors.

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

JODRELL BANK

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

COMMERCIAL DEVELOPMENT

On the employment land the application proposes 6.3 hectares of B1 (Light Industrial), B2 (General Industrial) and B8 (storages uses), estimated to deliver c29,079 sq. m of employment development. This also includes the proposed leisure uses of c1,160 sq. m. To clarify a point raised by local residents and businesses, this does include general industrial uses.

The emerging local plan CS44 allocates up to 7 hectares of employment land adjacent to Radnor Park Trading Estate and up to 1 hectare of employment or commercial development adjacent to the CLR. The plan in addition states:

“The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.26”.

Looking at the plan in Fig. 15.26 and comparing it to the submitted plan it is clear the site area is very similar and as such although there is a shortfall in the area of land proposed for employment uses, 6.3 hectares as opposed to 7+1 hectares, the plan is consistent with the LPS plan. It is unclear why there is this inconsistency but it is assumed both calculations looked differently about the amount of area given over to roads and landscaping. The applicant has been asked to clarify this point and their comments will be reported in the Update Report to Members.

Economic Role - Conclusion

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

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

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

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

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

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

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

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

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

Whilst the commercial development is less than that set out in the plan, it is important to highlight the policy wording is “up to ...hectares” and that the development parameters plan area accords with that in the LPS.

SOCIAL SUSTAINABILITY

AFFORDABLE HOUSING

This site is predominantly located within Somerford Parish, with only the access to the site being located in Congleton and so the approach for settlements with a population of less than 3,000 has been applied. The Council's Interim Planning Statement: Affordable Housing (IPS) states that in settlements with a population of 3,000 or less we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 3 dwellings or more or larger than 0.2 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of up to 275 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 83 dwellings to be provided as affordable dwellings. 54 units should be provided as Affordable rent and 29 unit as Intermediate tenure.

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).

There are currently 6 applicants on Cheshire Homechoice who require social or affordable rented housing and have selected Somerford as their first choice, these applicants require 2 x 1 bed, 3 x 2 bed and 1 x 3 bed. In addition there are 567 applicants on the waiting list for areas within Congleton, who require 257 x 1 bed, 195 x 2bed, 100 x 3 bed and 17 x 1 bed dwellings.

The Affordable Housing IPS requires that the affordable units should 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 and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The issue of viability and the need to fund the Congleton Link Road in accordance with emerging policy CS 44, resulting in a reduction in affordable housing provision on this site, is set out in the conclusion section of the report.

EDUCATION

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

The development of 275 dwellings is expected to generate:

52 primary children (275×0.19) – 1 SEN so 51

41 secondary children (275×0.15) – 1 SEN so 40

3 SEN children ($275 \times 0.51 \times 0.023\%$)

The development is expected to impact on both primary school and secondary 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 schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary school places and a partial shortfall of secondary school places remains.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern, however the 3 children expected from application will exacerbate the shortfall. The 2 SEN children who are thought to be of mainstream education age have been removed from the calculations above to avoid double counting. The remaining 1 SEN child is expected to be 1 EYFS child. The Service does not claim for EYFS or Sixth Form at present therefore this child cannot be removed from the calculation above.

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

$51 \times £11,919 \times 0.91 = £553,161$ (primary)

$40 \times £17,959 \times 0.91 = £653,708$ (secondary)

$3 \times £50,000 \times 0.91 = £136,500$ (SEN)

Total education contribution: £1,343,369

Without a secured contribution of £1,343,369, Children's Services raise an objection to this application.

This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 51 primary children, 40 secondary children and 3 SEN children would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed.

OPEN SPACE

Based on Interim Policy Note in the absence of a housing schedule an average dwelling is 2.4 persons per dwelling with 10sqm per person of Amenity Green Space (AGS).

$275 \text{ dwellings} \times 2.4 \text{ persons} = 6,600 \text{ sq. m of AGS}$

When the final housing mix (i.e. when reserved matters are submitted) this figure is likely to rise as there will be many 3 and 4 bed/person properties. In addition to the AGS 1,000sq m needs to be available for a NEAP sized play area.

It is understood that the habitat mitigation and woodland (Dane Valley) are very important but for this size of development ANSA are not willing to forgo all AGS and Children and Young Persons Play (CYPP).

That said there could be some negotiations that could be done. Back Lane playing fields is close to this site and in desperate need of attention with regards to drainage. Former Congleton Borough Council policy does not have a formula for calculating this but the Macclesfield BC formula could be applied.

The emerging Cheshire East Local Plan, 2014 and SE6 'Green Infrastructure' 'Cheshire East aims to deliver a good quality and accessible network of green spaces for people to enjoy, providing healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits. This will be done by:

2. Safeguarding Green Infrastructure assets to make sure that:

ii) Developer contributions are secured wherever appropriate in order to improve their quality, use and multi functionality

Policy requires 6,600sqm Amenity Green Space split into two sites either side of the CLR and a NEAP(1000sqm) standard play facility with supporting AGS of 2,300sq to kick a ball about. which allows for an additional 1000sqm a total of 8,600 based on the minimum bedrooms.

The NEAP on each site and AGS must be together centrally located to allow easy access for all. Incidental pieces of AGS such as verges will not count towards these figures.

Back Lane playing fields provides for formal organised sport, but is not available for much of the time as it is used for matches and as such cannot be counted towards overall provision locally.

The required provision needs to be submitted as part of the submission at the reserved matters stage and needs to be included in the Section 106 Agreement both in terms of provision and future maintenance.

COUNTRYSIDE ACCESS

The development, if granted consent, would affect a Public Right of Way, namely Public Footpath No. 2 in the Parish of Somerford, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes "a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered" (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

National Planning Policy Framework

The National Planning Policy Framework states that “planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails” (para 75). NPPF continues to state (para. 35) that “Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.

Public Footpath No. 2, Somerford

The application documents appear to depict the Public Right of Way running along the estate roads. It should be noted that “any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic” (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8).

The Design and Access Statement states: “Pedestrian and cycle access will follow the main access points using defined safe routes. These will be augmented by additional links as required to improve connections and permeability through the site. In addition, 2 no. footpaths are proposed which will link the development with the surrounding area.”...”There is potential to provide access across the river to connect the network of Public Rights of Way (PROW).”

The Opportunities and Constraints an analysis states: “Maintain/ divert existing Public Right of Way(PROW) through the site - a truly permeable development. Provide links to other proposed footpaths in the area, and create new public footpaths through and beyond the site. Create opportunities for future links to surrounding development plot.”

However, the application documents do not specify whether the existing Public Right of Way would be maintained on its current alignment or diverted, and no further details regarding any proposed routes. Certainly the Illustrative Framework Masterplan suggests that the Public Right of Way is not to be retained on its current Definitive alignment or is proposed to follow an estate road: in either case a legal order process would be required. The developer would be encouraged to contact the Public Rights of Way team directly as soon as possible to discuss the implications, proposals, risks and timescales relating to any proposed change to the Public Right of Way network.

North Congleton Master-planning: 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. Diversion of Somerford Public Footpath No. 2

It is now clear that the developer intends to apply for a diversion of Somerford Public Footpath No. 2. The developer would be encouraged to contact the Public Rights of Way team directly as soon as possible to discuss the implications, proposals, risks, timescales and costs relating to the proposed diversion order application.

Congleton North Masterplan East-West Greenway

The revised application documents present information on the proposals within the site for the East-West Greenway and other proposed routes for non-motorised users, as outlined in the Congleton North Masterplan. These proposals would increase the permeability of the site to non-motorised users. Though referred to in the application documents as 'Footpaths', such routes would be sought to be used by cyclists in addition to pedestrians. As such, the routes should be designed and constructed to best practice in terms of pedestrian/cyclist shared use or segregated infrastructure, accessibility and natural surveillance, set within a green infrastructure corridor to create a sense of Quality of Place. The 'Feasibility Study for the Footpath Link' document assumes a 2m width; in reality a route of at least 3m usable, surfaced width would be required, plus verges. The routes should be available prior to first occupation.

In order to fully connect the proposed development with the local area and other proposed developments, these routes need to connect to the Seddon Homes application (16/3840C Land North Of Chestnut Drive And West Of, BACK LANE, CONGLETON) and the Russell Homes application (16/0514C Land At, BACK LANE, CONGLETON). At present, it is not clear that this connectivity would be secured. The latter applicant has recently submitted revised plans indicating a proposed pedestrian/cyclist link to this application. The developer would be required to ensure that the East-West Greenway is created to the same point on the boundary of these applications.

- The developer would need to provide a greenway through the site, suitable for use by pedestrians and cyclists and set within a green infrastructure corridor, to link the following, as indicated on the attached plan:
 - the adjacent Russell Homes site 16/0514C
 - the footpath using the existing agricultural track down to the Dane Valley spit of land and the proposed Dane crossing location
 - the greenway alongside the Ancient Woodland running from the above footpath to the DDA compliant ramp to the Congleton Link Road
- A provision through which the Dane Valley spit of land will be managed for the purposes of public access and nature conservation, including the option for bridge landing rights, shall be required.

All these links are now shown on the revised movements plan and should be covered by condition, with the details and future maintenance being dealt with through details at the reserved matters stage and via the 106 Agreement

Social Role - Conclusion

The final dimension to sustainable development is its social role. In this regard, the proposal will provide up to 275 new family homes, including an amount of affordable homes, on site public open space, improvements to countryside access and financial contributions towards education provision.

In summary there are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

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

Section 106 Agreement / Community Infrastructure Levy (CIL) Regulations

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

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

As explained above, POS and children's play space is a requirement of the Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and children's play space is needed to maintain these areas in perpetuity. This matter will need to be subject to a Section 106. Similarly the affordable housing is a policy requirement.

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

Planning Balance and Conclusion

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

It is considered that the proposed development is in general accordance with the emerging LPS which should now be accorded weight in the planning balance.

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

Although it is anticipated that a 5 year supply will be achieved when the Local Plan is adopted (to which this site makes significant contribution), it is still necessary to consider whether the

proposal constitutes sustainable development and benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide market and some affordable housing to meet an acknowledged shortfall. The proposal would also have some economic benefits, providing employment uses, and in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

In terms of traffic generation and congestion Highways are satisfied that any impacts can be mitigated and will be addressed through significant Section 106 contributions. The significance of the contributions towards the delivery of the Congleton Link Road is also an important benefit of the application.

Whilst the detail would be dealt with at the reserved matters stage, the site is capable of providing the required provision of POS and the linkages to the open countryside adjacent to the site are important factors in this case.

Because of the requirement to contribute significant monies to the Congleton Link Road, as set out in the emerging Local Plan Strategy:

“The Council will be mindful of the costs of bringing the site forward in such circumstances and will consider affordable housing provision, on a case by case basis, where it is demonstrated through robust viability evidence that 30% affordable housing would render the development of a site unviable (in line with paragraph 7 of LPS policy SC5 (Affordable Homes))”

The applicant has submitted a viability appraisal which states that if the contribution of £15,000 per house to the CLR is to be sustained by the development, a reduction of the affordable housing to 17.5% on a discounted market sale basis (80% to open market) is required to make a viable scheme. This is in line with policy CS 44 and is the approach taken with other recent applications in the area.

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

The proposal is considered to be capable of being acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this.

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

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

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

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

RECOMMENDATION

APPROVE subject referral to Jodrell Bank, to a Section 106 Legal Agreement to Secure:

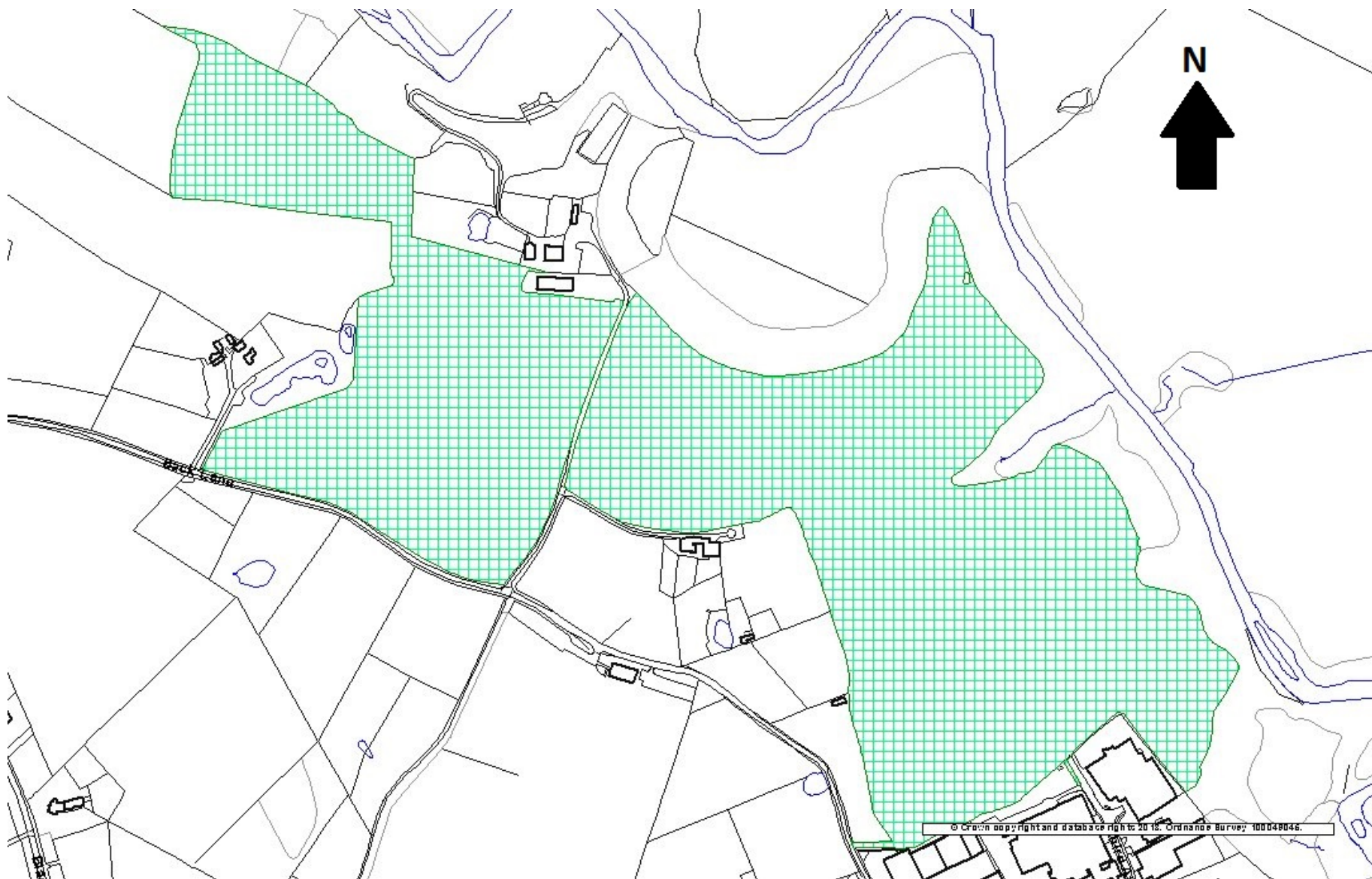
- 17.5% of the dwellings to be affordable at 80% discounted market sale.
- Affordable Homes should be pepper-potted (in clusters is acceptable)
- Provision of POS consisting of 6,600sqm Amenity Green Space split into two sites either side of the CLR and a NEAP (1000sqm) standard play facility on each site.
- A commuted sum of £1,343,369 in lieu of Primary, Secondary and SEN education.
- £5,000 for the making of any Traffic Regulation Orders on Chelford Road or Black Firs Lane in support of a 7.5t weight limit on the section of Back Lane between the CLR roundabout and Chelford Road.
- A contribution of £15,000 per dwelling towards the Congleton Link Road in lieu of the full Affordable housing provision (To be provided at 17.5%) as provided for in the submitted Local Plan Strategy (in accordance with Policy 5.235a). The maximum contribution will be linked to the number of houses approved at reserved matters. A minimum or 'floor' condition of £3,090,000 has been agreed with the applicant irrespective of the minimum number of houses delivered.

And the following conditions

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
2. Reserved matters to be approved
3. Approved Plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Tree/Hedgerow Protection Measures
8. Prior to the commencement of Phase 1 the roundabout as approved in the Congleton Link Road Planning Application will be delivered via a S278 agreement, unless already delivered by the CLR scheme.
9. Prior to commencement of phase 1 a scheme for the provision of a suitable highway link between the existing Radnor Park estate and new Back lane roundabout be approved by the highway authority and implemented prior to first occupation.
10. Commencement of the full application to be restricted until the CLR is completed and adopted as public highway.
11. Delivery of footpath linkage to the adjacent Russel Homes site prior to completion of the 20th dwelling

12. Construction and Environmental Management Plan to be submitted prior to commencement, to include dust control measures.
13. Travel Plan to be submitted prior to occupation of the first dwelling.
14. Delivery of Local Traffic Management Scheme along the section of Back Lane between the CLR roundabout and Chelford Road prior to the bringing into use of any of the employment uses.
15. A scheme for the provision of a footway/cycleway access to the proposed CLR bridge crossing of the River Dane shall be submitted and approved by the Strategic Highway manager. This access link should be provided prior to first occupation.
16. A scheme for the improvement of the existing access track shall be submitted and approved by the Strategic Highways Manager. The land required to deliver this track and the delivery of the access improvements will be required prior to first occupation.
17. Arboricultural Impact Assessment in accordance with Section 5 of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations which shall include a Tree Protection Scheme
18. Submission of a management plan for the Woodland (including the Ancient Woodland) and Local Wildlife Site.
19. Submission of an updated Badger Survey as part of and reserved matters application.
20. Hedgehog gaps in fencing.
21. Updated GCN mitigation strategy as part of and reserved matters application.
22. Approval of lighting associated with the leisure and commercial uses.
23. Air pollution damage cost calculation and associated mitigation works.
24. Submission of a low emission strategy and timetable for implementation.
25. Electric Vehicle Charging points.
26. Submission of a Residents Travel Information Pack.
27. Measures to minimise impacts from the CLR.
28. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
29. Control of soils brought onto site.
30. Measures to address contamination should it be expectantly be found during works.
31. Jodrell Bank mitigation measures.
32. Programme of archaeological work as outlined in section 9.67 of Chapter 9: Archaeology and Cultural Heritage of the Environmental Statement.
33. Approval of levels.
34. Submission of a Flood Risk Assessment.
35. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
36. Foul and surface water drained on separate systems.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Head of Planning (Regulation), in consultation with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.



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