

Application No: 16/3840C

Location: Land North Of Chestnut Drive And West Of, BACK LANE, CONGLETON

Proposal: Full planning permission for development of 83 dwellings including the provision of informal areas of landscaping, off road vehicular parking with vehicular and pedestrian access from Back Lane.

Applicant: Seddon Homes Limited

Expiry Date: 28-Oct-2016

SUMMARY

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

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

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

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

In this case, the development would provide market and affordable housing (although less than the policy requirement) 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. Significantly the development will also make a substantial contribution to highway works associated with the Congleton link Road.

The proposals are considered to satisfy the Local Plan policy requirements, with the exception of no educational contribution as set out in the report.

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

SITE DESCRIPTION

The application site comprises approximately 3.64 hectares of pasture land, comprising 2 fields, in a roughly triangular shape on the northern edge of Congleton. The site adjoins Back Lane to the east, and north, Back Lane playing fields to the west, and the rear of housing off Chestnut Drive to the south. These properties are a mix of two storey houses and bungalows.

The site is relatively level, but with a gradual fall to the south west. The site has strong hedgerow boundaries to all sides, with a boundary splitting the site roughly into two halves. There are some trees in the hedgerows, especially in the one fronting Back Lane. There is a pond just inside the hedge-line on the northern boundary partially shaded by adjacent trees, and two small copses of trees in areas of damp ground on the site boundaries to the north and south. A field gate gives access from Back Lane.

Whilst the site is currently very edge of settlement, there have been two recent outline planning approvals for sites to the north of Back Lane and as such when these sites are built out, the site subject to this application would in effect be the only undeveloped parcel between the edge of Congleton and the approved Link Road.

DETAILS OF PROPOSAL

This application seeks full planning permission for residential development of 83 dwellings including the provision of informal areas of landscaping, off road vehicular parking with vehicular and pedestrian access from Back Lane. The application proposes a mix of house types from 1 to 4 beds, and although most properties are two storeys there are 11 bungalows proposed, all along the southern boundary with Chestnut Drive. The different house sizes are reasonable scattered throughout the site.

The layout consists of a single point of access off Back Lane, leading to three main cul de sacs. Whilst some trees and hedgerow would be lost to form an access, the majority of trees and hedgerow on this site boundary would be retained, although the internal boundary hedge and some trees in the south west corner would be removed. A footpath would be created inside the hedgerow line on Back Lane forming an informal area of open-space. The footpath would link Back Lane, close to the entrance with the nearby Radnor Park Industrial Estate, with the Back Lane Playing Fields, and another link would allow access from the development to the south off Chestnut Drive. The pond on the northern boundary near the site access would be retained.

The layout and number of dwellings has been amended during the lifetime of the application.

Finally an area to the northern boundary, adjacent to the playing fields, would be set aside for future extension to the Back Lane Playing Fields, but set out as Public Open Space. The intention is that the land would be transferred to Cheshire East.

RELEVANT PLANNING HISTORY

None, although the site is adjacent to Back Lane which did form part of the proposals considered as part of the Congleton Link Road application 15/4480C, with its proposed access to an extended Radnor Park.

Planning approvals on adjacent sites to the north are as follows:

16/1824M - Demolition of the existing building and an outline planning application with all matters reserved except for means of access for a mixed use development comprising residential dwellings (use class C3) and employment development (use classes B1, B2 and B8) incorporating an element of leisure uses (use classes A3 and A4), together with associated woodland buffer, ecological mitigation and enhancements, open spaces and infrastructure. Land to the north of the existing Radnor, Land at Back Lane, Cheshire

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

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 Congleton Local Plan

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

NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Strategic Housing Land Availability Assessment (SHLAA)

North West Sustainability Checklist

Article 12 (1) of the EC Habitats Directive

The Conservation of Habitats and Species Regulations 2010

Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016

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

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC3 – Health and Wellbeing

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE1 - Design

SE2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 - The Landscape

SE5 – Trees, Hedgerows and Woodland

SE9 –Energy Efficient Development

IN1 - Infrastructure

IN2 – Developer Contributions

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

The latest wording reads as follows:

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

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

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

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

Site Specific Principles of Development

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

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

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

Congleton 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, but recommend conditions in relation to foul and surface water.

Jodrell Bank: Object to the application as the impact from the additional potential contribution to the existing level of interference from that direction will be moderate. They ask that Cheshire East take this into consideration in reaching its decision, noting that the cumulative impact of this and other developments is more significant than each development individually.

Environmental Health: Whilst no objections have been received, they recommend conditions in relation to a Construction and Environmental Management Plan, Electric Vehicle Infrastructure, Dust Control and contaminated land.

Education: The development (based on 86 dwellings as originally proposed) is expected to generate 13 primary children, 7 secondary children and 1 SEN child, and that the analysis undertaken has identified that a shortfall of primary school places still remains, and as such a contribution of £300,901 is required. This amount would be slightly reduced for 83 dwellings as now proposed. If this is not secured then Children's Services raise an objection to this application.

Housing Strategy and Needs Manager: No objections are raised to the proposals taking on board the findings of the viability appraisal (which was independently assessed) which states that the development can sustain 16 units (19.3%) as Affordable Homes. Whilst this is less than the policy requirement of 30%, the proposal is meeting the Interim Planning Statement (IPS) in particular with the inclusion of Older Persons flats on the Ground floor. There are also some Market Housing Bungalows on the site that could enable those wanting to down size and buy a smaller property thus freeing up more needed housing.

Flood Risk Officer: Having considered the revised Flood Risk Assessment, they have no objections subject to a condition requiring the development to be carried out in accordance with the submitted FRA and including the site discharge rate of a maximum of 13.4 l/s. Informatives relating to No Obstructions within 8 Metres of the Edge of the Watercourse, and the prior written consent of Cheshire East Council as Lead Local Flood Authority (LLFA) is required for any works that are likely to affect flows in an ordinary watercourse.

Strategic Highways Manager: Whilst a major consideration with this application is the Congleton Link Road and the associated infrastructure changes especially Back Lane as the site will access directly onto the realigned road, the site could be developed in advance of the changes to Back Lane although safe pedestrian access will be required. As Back Lane is a key component of the link road proposals and makes a significant further improvement to the accessibility of this site it is considered that a S106 financial contribution towards its delivery is merited and this has been calculated at £354,830.

Public Rights of Way: Whilst the proposed development does not affect any Public Rights of Way, there are opportunities to provide green linkages to Congleton, as part of the North Congleton Masterplan proposals and advice in the NPPF. Good linkages are proposed to adjacent sites in accordance with the masterplan and approved developments, but in addition they advise:

"In order to connect the proposed site with the local primary school, the developer should be required to fund or construct the proposed path between the site and not only Chestnut Drive but potentially onwards through the public open space direct to Longdown Road opposite the school."

A condition is recommended requiring signage to be erected to encourage residents to use pedestrian and cycle routes.

Public Open Space (Amenity Greenspace) and Children's Play Space: There is some disagreement with the applicant in terms of what is required to meet current policy. ANSA do not feel that the current proposals provide enough Amenity Green Space or a play area to NEAP standard which they feel is justified. Their comments on the latest proposal are awaited.

NHS Eastern Cheshire Clinical Commissioning Group: They write;

"There is a need to ensure that local NHS Primary and Community Care service provision continues to meet any changes in demand seen with an increase in the local population resulting from new housing developments. We would therefore ask for consideration to be given to this via a Section 106 / CIL when the planning council consider this planning application."

VIEWS OF THE PARISH / TOWN COUNCIL

Congleton Town Council: Recommend the application be refused on a number of grounds:

- Unsuitable pedestrian access over the playing fields
- Flooding concerns due to the pumping station being in the incorrect position
- The application should be considered at Cheshire East Strategic Planning Board

They also comment:

"The only proposed walkway is grass across Village Green fields - unsuitable for disabled wheelchairs, prams etc. Suitable footpath required for elderly, disabled vehicles, pushchairs etc. to bus stop in Chestnut Drive. Pumping stations should be other side of site because of concerns of noise, odour and flooding to existing properties. Any development on site should be delayed until Link Road is complete because of congestion at Back Lane/Holmes Chapel Road and until school places are available as both primary and secondary schools are full."

REPRESENTATIONS

A number of objections have been received from neighbours, the majority from Chestnut Drive to the south of the proposed development, raising a number of issues which include:

- Back Lane is inadequate to accommodate the traffic generated by the development.
- Loss of wildlife habitat and impact on protected species.
- Odour related issues associated with the proposed pumping station.
- The proposed footpath across the playing fields needs to be surfaced.
- Concerns over flooding issues locally.

In addition the local Sustrans group have recommended the proposed footpath cycle way within the site to increased in width, and Congleton High School have raised the issue of the High School and Black Firs Primary School being over-subscribed, and the need therefore for funds to allow expansion. The High School also raise the need for safe routes to schools and provision of local community facilities.

Full details of these comments can be viewed on the Council's website.

APPLICANTS SUBMISSION:

- Transport Assessment
- Travel Plan
- Climate Change & Sustainability Statement
- Drainage and Flood Risk Assessment
- Ecological Appraisal
- Design and Access Statement
- Historic Hedgerow Assessment
- Tree Survey & AIA
- Air Quality Assessment
- Affordable Housing Delivery Plan
- Phase I Geo-Environmental Site Assessment
- Topographic Report
- Agricultural Land Classification and Soil Resources
- S106 Heads of Terms
- Viability Report

These reports (with the exception of the viability report which contains commercially sensitive information) can be viewed on the application file.

APPRAISAL

HOUSING LAND SUPPLY

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

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

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

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

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

The Inspector’s recommendations on Main Modifications mean that under paragraph 216 of the Framework the emerging policies of the Cheshire East Local Plan Strategy can be attributed a

greater degree of weight – as the Plan as revised is at an enhanced stage, objections are substantially resolved and policies are compliant with National advice.

The Inspector's recommendations on housing land supply, his support for the Cheshire East approach to meeting past shortfalls (Sedgepool 8) indicate that a remedy is at hand to housing supply problems. The Council still cannot demonstrate a 5 year supply of housing at this time but it will be able to on the adoption of the Local Plan Strategy. This is highly relevant to the assessment of weight given to housing supply policies which are deemed out of date by the absence of a 5 year supply.

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

OPEN COUNTRYSIDE

As the site falls outside the settlement policy boundary in open countryside it would be subject to policy PS8 (Open Countryside) and as such residential development would be contrary to that adopted policy.

The site is now however proposed as part of an allocation for around 750 dwellings within the Cheshire East Local Plan Strategy Proposed Changes Final Version July 2016 as site CS 44

Back Lane / Radnor Park, Congleton (Former SL 6). The Inspector in his views on Further Modifications needed to the Local Plan Strategy (Proposed Changes) (13 December 2016) has endorsed the overall approach, and not indicated any further changes required under the suggested Main Modifications, in relation to this site. The plan can accordingly now be given greater weight

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).

LANDSCAPE IMPACT

Whilst clearly building houses in the open countryside will have a landscape impact, this site is the missing piece of the jigsaw as far as allocation CS44 is concerned, with housing approved on sites surrounding it and extending further into the open countryside to the north. As such the character of this area will change significantly in the near future and as such the landscape impact will change accordingly. As the site is visually very self contained behind hedges/trees its impact in any event would be reduced. It is therefore considered the landscape impact is acceptable.

ACCESS TO SERVICES

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

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

In summary, whilst more accessible than many of the adjacent sites which have been improved, it was clear that the site would not comply with all of the standards advised by the NWDA toolkit, as stated previously, these are just guidelines and are not part of the development plan.

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

Close to the site entrance on Back Lane there is the large employment area comprising of the Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodating a range of occupiers.

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

It should also be recognised that the site forms part of a local plan allocation and has been assessed as being a preferred zone for development, and will have performed well in the Sustainability Assessment done for the site to be included within the plan.

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

HIGHWAY SAFETY & TRAFFIC GENERATION

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

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

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

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

Access Arrangements

At the proposed location of the development, Back Lane is a rural lane that is narrow with single file traffic it widens to accommodate two way flow just north of Radnor Park. The submitted plan indicates a single priority junction access with Back Lane to serve the site, although as part of the new Congleton Link Road (CLR) it is intended that this land be served by a new roundabout junction as well as a residential development on the opposite side of Back Lane.

The site access has been designed to accommodate the future Back Lane improvements and the roundabout access provision. Should the site be delivered in advance of the CLR a simple priority junction is proposed. This is acceptable in capacity and highway safety terms.

The priority junction can be delivered within existing highway; therefore there are no direct delivery issues raised between this application and the CLR.

Traffic Impact

The applicant has assessed both the scenario with the CLR and also the impact without the scheme. To predict the level of traffic generation from the 83 units the applicant has used the Trics database to determine the trips rates, the predicted traffic generation arising from then development is approximately 50 two way movements in the morning and evening peak hours.

Traffic growth and committed developments have been added to the development traffic and existing traffic flows to assess the impact in 2021. The applicant has assessed the site access junction and also the roundabout junction at the A54/A34 with approximately 60% of the development traffic travelling south to this junction.

Given the current low levels of traffic flow on Back Lane the site access there would be no capacity problem with the site access junction, the applicant's capacity assessment results for the A34/A54 roundabout indicate it does have a capacity issues on the Newcastle Road arm but that the traffic would have a negligible effect on the operation of the junction. This is not the position that the Council has taken on the existing congestion problems not only at this junction but at the other principal junctions along the A34 through Congleton. CEC have built a traffic model of the A34 corridor that includes the A34/A54 roundabout junction and there are significant congestion problems at the principle junctions and this is borne out by observations of current queue lengths that occur. Although the traffic generation from this site is relatively small it would have a cumulative traffic impact on the A34 in addition to the traffic associated with other committed developments.

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

Accessibility

In regards to the accessibility of the site, Back Lane currently does not have a footway either side of the road.

The scheme proposes an off carriageway footpath to connect into Back Lane close to the boundary with the existing built up area. It is unclear how the final footpath 'ties' into Back lane.

The scheme also proposes safe and suitable links to the playing fields and Chestnut Drive – accessed by linkages through the site.

The site can be accessed by cyclists using the road network and there are identified cycle routes on road that can be used to access the site. The nearest bus services are located on the A54 Holmes Chapel Road and on Delamere Road / Chestnut drive. Overall, the current assessment is that the site is not accessible although access to sustainable modes will improve through the delivery of CLR and other adjacent developments identified in the Local Plan.

Access to the site in terms of accessibility is improved by the CLR proposals on Back Lane. A new cycleway is provided as part of these proposals. It is considered therefore, that although the site provides an acceptable level of pedestrian provision (subject to conditions on final details and timing), it is clearly being enhanced by the delivery of the Back Lane scheme. This is the same situation for traffic access.

Summary and Conclusion

A major consideration in the assessment of this application is the Congleton Link Road and the associated infrastructure changes especially Back Lane as the site will access directly onto the realigned road.

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 site can be delivered in advance of the changes to Back Lane; a priority access can be delivered within existing highway frontage and the access proposals do not prevent the future delivery of the Back Lane improvements.

Safe Access to the site by foot is provided off carriageway, though furthers details of the final (short length) where the proposed footpaths ‘ties in’ to Back lane are required. It is recommended that this is secured by a condition.

The development proposes off highway access to both Chestnut Drive and the Playing fields can be provided; it is recommended that these links are provided early in the phasing of the scheme.

The CLR will further improve the accessibility of the site as it provides new pedestrian/cycle facilities and links to other planned developments.

In regards to the traffic impact of the development, it is considered that this site would have a cumulative traffic impact on the local highway network and the development of this site relies heavily on the CLR coming forward as it would reduce traffic flows on both the A54 and the A34 thereby reducing congestion levels.

Back Lane is a key component of the link road proposals and makes a significant further improvement to the accessibility of this site it is considered that a S106 financial contribution towards its delivery is merited and this has been calculated at £354,830.

Conditions recommended include:

1. Prior to first occupation the delivery via a S38 agreement of the proposed off-site footway link between the site and Back Lane.
2. A scheme to be agreed by the Highway Authority for the safe and suitable link from the offsite footway link to the existing footpath facilities on Back Lane.
3. Prior to first occupation one of the proposed footway links to the Back Lane playing fields shall be delivered via the S38 agreement.

PUBLIC RIGHTS OF WAY/COUNTRYSIDE ACCESS

Whilst there are no public rights of way on or adjacent to the site, there are a number of ways the site could contribute positively to the linkages suggested in the North Congleton Masterplan. Those proposed as part of the development are:

- A footpath/cycleway which runs along the inside of the hedgerow on the northern or Back Lane frontage to the site. This would link the end of Radnor Park where there is a public footpath, and links into Congleton, to the Back Lane Playing-fields and beyond.
- Footpath links onto Back Lane Playing Fields with links onto Chestnut Drive, and to the schools and other facilities beyond.

Whilst these access points make all the appropriate linkages, there is a concern that the access points onto the playing-fields (accept for the northern most access which links to a car parking area) finish at the edge of the site and leave users then with the need to cross grassed area to link through to Chestnut Drive. Residents/Town Council are concerned the grassed area becomes unusable in winter/wet weather periods and as such walking/cycling would not be attractive to occupiers of the site.

The applicant has been asked to look at providing an appropriate surface on the southern link across the southern corner of the playing-fields in particular as it is only a short distance to an access onto Chestnut Drive. Whilst the details could be conditioned, the acceptance of the principle of the works has been sought and will be reported in the Update Report to Members.

DRAINAGE AND FLOODING

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

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

Following the submission of a revised FRA which has addressed earlier concerns about the proposals the Flood Risk Team now have no objections subject to a condition requiring the development to be carried out in accordance with the report recommendations, including the site discharge rate of a maximum of 13.4 l/s.

AMENITY

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

The proposed layout is considered to meet all the relevant space standards internally, and exceeds the separation distances from the existing properties on Chestnut Drive.

Residents however on Chestnut Drive have raised the issue of the proposed pumping station proposed to be sited in the south western corner of the application site, and their concerns about possible odours associated with it. Environmental Protection have raised no objections to this element of the scheme, and whilst it is unlikely to raise any issues for residents, the applicants have been asked to look at this matter and see if it could be moved off the boundary to if nothing else improve the visual impact of the structure. This will be reported in any update report to Members.

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

FORESTRY

The site comprises two fields laid to grass and located to the west of Back Lane. There is established tree and hedge cover around the periphery of the site together with a mid site hedge. Trees prominent to public view include a belt of trees located along the Back Lane boundary including a mature Oak in the south east corner of the site, (all contributing to the setting of Back Lane) and trees in the hedge line on the boundary with the playing fields to the north.

The submission includes a topographic survey, a Tree Survey and Arboricultural Impact Assessment (AIA) dated August 2016.

The tree survey covers 15 individual trees, 13 groups of trees and 4 hedges. The AIA indicates that approximately 40 trees comprising 3 individual trees, 3 tree groups and parts of a further 4 groups would be removed to accommodate the development. 112 metres of hedge would be removed.

Proposals are provided for the pruning and protection of retained trees (although no tree protection plan is provided) and it is suggested that planting to mitigate losses could be provided as part of a landscape scheme.

Main impacts: (with officer observations following discussions with the applicant):

- Loss of most of mid site hedge. (See Hedgerow Section below). Regrettable, but does allow for a much improved site layout, as discussed in the ecology section.
- Loss of a section of the prominent belt of trees on the Back Lane frontage to create the main road access and associated visibility splays (approximately 70 metres). Unfortunately an access has to be provided into the site.
- Footpath proposed within the site in the root protection area of the roadside tree belt. A no-dig construction method is proposed.

- Footpath link to Back Lane in the root protection area of the one grade A tree on site, Oak tree T1. Again a no-dig construction method will be employed.
- A proposed service strip connection would also impact on the rooting area of Oak tree T1. The alignment of the service strip has been redrawn to address this.
- Footpath links to the north and west would result in impact on hedges and tree groups. The access is a maximum of 2m wide so clearance would be minimal. A detailed survey would be used to determine the best location for the footpaths to cause the minimum loss to surrounding ecology/trees/hedges. A no dig construction method will be used, minimising damage to remaining vegetation. Additionally, the quantity of new tree and hedge planting proposed far exceeds the quantity of losses. Pedestrian links are important to encourage walking / sustainable transport and connections to facilities.
- Loss of two young/middle aged tree groups to the south west of the site and some immature specimens within the site. Removal of existing trees is necessary for ease of new tree planting that extends beyond the footprint of the existing tree groups. Importantly, the quantity of new tree planting outweighs the overall quantity of losses.

Conditions as set out above can be used to address these matters, and as such whilst some loss of trees on the site frontage is necessary, there are no objections on tree loss/impact grounds.

Hedgerows

The proposals would impact on agricultural hedgerows with the loss of most of a significant length of mid-site hedge and a hedge with trees on the roadside. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, a Hedgerow Removal Notice would normally be required under the Hedgerow Regulations 1997. Therefore, for completeness in the assessment and determination of a planning application, where hedge loss is involved it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The developers have provided a full assessment with a submission.

The submitted ecological report comments that the hedgerows on site have the highest ecological value of all the habitats on site with the mid-site hedge being described as 'particularly well developed'. Nevertheless, the hedges are not assessed to be 'Important' under the Regulations.

ECOLOGY

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

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

(b) no satisfactory alternative and

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

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

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

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

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

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

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

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

Great Crested Newts

It is advised that this species is unlikely to be present and affected by the proposed development.

Ponds

Ponds are a Local Biodiversity Action Plan Priority habitat and hence a material consideration. The existing pond is shown as being retained under the submitted illustrative layout plan. It must however be ensured that this pond is not utilised as part of the SUDS scheme for the site.

Badgers

No evidence of a badger sett was recorded during the submitted survey, but the species is active on site.

It is advised that should development not take place within 12 months of the original survey then an updated badger survey should be carried out.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The submitted layout would result in the loss of the hedgerow from the interior of the site. It is advised that this hedgerow should be retained where possible.

This matter has been explored with the applicants who originally proposed to retain part of it in the layout. This however had negative impacts on the overall layout of the site, and resulted in sections of hedgerow being isolated within the site (some sections had to be removed to provide access) with an uncertain future within private gardens. It was therefore considered that the hedgerow should be removed to get a satisfactory layout and replacement planting compensating for its loss. Whilst the loss of this section of hedge is regrettable it is considered justified in this case

URBAN DESIGN/LAYOUT

The application is supported by a design and access statement which looks at local context and looks at appearance as one of the D & A “themes”. The layout has been revised during the lifetime of the application, to address a number of issues identified, and it is now considered the proposals are a reasonable compromise to create an attractive layout, accommodating a good variety of house types – including bungalows where they meet existing bungalows on Chestnut Drive, whilst retaining the majority of boundary trees/hedges and an attractive footpath link on the northern side.

Whilst the house-types are typical of such developments, as indicated, there is a good variety of properties which should create visual interest, coupled with the proposed landscaping which helps break up the areas of frontage parking. Overall the design is considered acceptable.

This application was submitted prior to the adoption of the Cheshire East Design Guide and therefore no formal assessment has been undertaken in relation to Building For Life 12. However, a basic assessment has been carried out such that the development would “score” well under the majority of the criteria. Whilst pedestrian/cycle accessibility is considered very good, vehicular access is limited to one access and the layout does consist of a series of cul de sacs whereas the planning guidance favours multiple access and more continuous road links. In this case however the desire was to retain as much of the site frontage hedgerow/trees as possible and as such multiple access points would have been too damaging. A continuous road loop likewise would have implications for trees/hedgerows within the site area. The proposal therefore is an acceptable compromise on these principles.

CONTAMINATED LAND

Environmental Protection have raised no objections, but have recommended conditions in relation to future safeguards on the site..

AIR QUALITY

Congleton has Air Quality Management Areas within the Town Centre which operate above tolerances for contaminants. The developer has submitted a Air Quality Impact Assessment which has been accepted and conditions are recommended in accordance with that assessment. These include approving individual travel plans, approving a Residents Travel Information Pack to be issued to local residents and provision of Electrical Vehicle Infrastructure.

Environmental Role - Conclusion

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

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

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

Radnor Park Industrial Estate and Green Field Farm Trading Estate, which are mixed B1, B2 and B8 sites accommodate a range of occupiers and employment opportunities. The emerging strategy allocation SL6 also includes a significant amount of employment development at this location.

ECONOMIC SUSTAINABILITY

LOSS OF AGRICULTURAL LAND

In connection with the application the applicant has submitted Agricultural Land Classification and Soil Resources assessment which concluded that the site falls with class 3b of moderate quality and as such is not is "best and most versatile" land as defined in the NPPF. As such it's loss is not considered to be a significant issue in this case.

JODRELL BANK

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

VIABILITY APPRAISAL

The applicant is arguing that developing the site, with the usual financial contributions/affordable housing would make the proposals unviable, and have submitted a viability appraisal in support of this. In short they argue that due to abnormal costs of developing the site, including providing

a number of bungalows, a substantial contribution to highway works on Back Lane, and providing an area of land that could form an extension to the Back Lane playing fields, in excess of what would normally be required for on site POS for the development, means the development cannot afford the normal education contribution or the full affordable housing requirement.

The Council has had this appraisal independently assessed and after much discussion they have broad agreement with the applicant's residual land value which they feel "provides the landowner with a competitive return sufficient to release the application site for development". They conclude:

"Based on this benchmark land value and adopting reasonable assumptions relating to the other appraisal variables the development can support 16 on site affordable dwellings, a highways contribution of £354,830 and the provision of land for the extension of the adjacent playing fields. If further planning obligations are sought then the residual land value will fall to a level at which the landowner will not be incentivised to sell, and hence it will fail the test of viability outlined in the NPPF and will not come forward for development."

In short they believe the application can only support 16 affordable dwellings or 19.2%, and no education contribution and hence why this is not proposed as part of the development.

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.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in

construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, which is a material consideration.

Similarly, the NPPF makes it clear that:

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

According to paragraphs 19 to 21:

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

SOCIAL SUSTAINABILITY

AFFORDABLE HOUSING

As can be seen from the section on viability above the full Affordable Housing Contribution is not proposed in this case. The applicant is proposing to provide 19.2% affordable homes (the requirement being 30%) or 16 dwellings, and has been in discussions with Housing in terms of the mix of properties. Housing write:

This is a proposed development of 83 dwellings therefore in order to meet the Council’s Policy on Affordable Housing there is a requirement for 25 dwellings to be provided as affordable dwellings.

The Applicant has provided a Viability Assessment that has been verified for the council by Keppie Massie. This confirmed that on viability grounds the applicant is providing 16 units (19.3%) as Affordable Homes.

The SHMA 2013 shows the majority of the demand in Congleton for the next 5 Years is for 27x 1 bedroom, 110x 3 bedroom, and 46x 4 bedroom dwellings. The SHMA also advises on the need for the next 5 Years, 18x 1 bedroom dwellings for Older Persons.

The SHMA 2013 also shows an over supply of 2 bedroom General Needs and Older Person accommodation.

The majority of the demand on Cheshire Homechoice in Congleton is for 243x 1 bedroom, 219x 2 bedroom, 114x 3 bedroom, 18x 4 and 1x 5 bedroom dwellings therefore 1, 2, 3 and 4 bedroom dwellings plus Older Person provision on this site would be acceptable. Of the 16 Affordable units, 10 units should be provided as Affordable rent and 6 units as Intermediate tenure.

The applicant is providing a mix of 1, 2 and 3 bedroom for Affordable housing including 1 bedroom flats that could be used for the Older Person housing need.

The applicant has confirmed on the revised documents that the Affordable Housing is to be split as per the Interim Planning Statement and the mix of the Affordable Housing is meeting the needs for the area with the inclusion of Older Persons flats on the Ground floor. There are also some Market Housing Bungalows on the site that could enable those wanting to down size and buy a smaller property thus freeing up more needed housing.

There is no objection to this lower Affordable provision due to the confirmed Viability Assessment. The split of the 16 units is meeting the IPS and so is the housing mix, as it is meeting the local need.

EDUCATION

Not including this current planning application registered on Land North of Chestnut Drive and West of Back Lane (16/3840C), there are 8 further registered and undetermined planning applications in Congleton generating an additional 106 primary children and 84 secondary children.

The development of 74 2+ bed dwellings is expected to generate:

13 primary children (86×0.19) (- 1 SEN)

13 secondary children (86×0.15)

1 SEN children ($86 \times 0.51 \times 0.023\%$)

The development is expected to impact on primary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary schools in the area as a result of agreed financial contributions.

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

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

$13 \times £11,919 \times 0.91 = £141,002$ (Primary)

$7 \times £17,959 \times 0.91 = £114,399$ (Secondary)

$1 \times £50,000 \times 0.91 = £45,500$ (SEN)

Total education contribution: £300,901

Without a secured contribution of £300,901, 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, 13 primary, 7 secondary and 1 SEN child would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed.

As referred to in the viability section above, in this case **no** education contribution is currently proposed. If the affordable housing contribution were to be reduced to 17.5% in common with other applications in North Congleton contributing to the Link Road, then a much reduced Education contribution would be possible, but it was considered that a slightly enhanced affordable housing contribution was preferred in this case as at best any education contribution would only be a token amount.

This lack of contribution must be weighed in the planning balance.

OPEN SPACE

In accordance with the advice, standards and formulae contained in the CBC Interim Policy Note on “POS Provision for New Residential Development” 2008, the POS has been assessed to see what would be needed to serve the proposals for 83 dwellings shown on the submitted plans, for of both Amenity Green Space (AGS) and for Children and Young Persons provision (CYPP)

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

ANSA’s comments on the latest revised layout are awaited, but there has been some disagreement between the applicant and ANSA in terms of what is considered to meet the policy requirements.

Amenity Greenspace (AGS)

The development is providing c2,400 sq m of AGS along the northern boundary of the site, on the inside of the hedge/tree line on Back Lane. This incorporates a footpath/cycle way. This area excludes the proposed pond, areas of hedging and on the ground tree cover. From earlier discussions however ANSA do not feel that this area constitutes AGS as it is not suitable for informal sport due to it’s linear nature.

It must be remembered that the applicant is proposing to contribute an area in the northern part of the site to The Council for the expansion of the Back Lane Playing Fields. Before the Council draws down this land it will be laid out and used for AGS and at 0.62 acres in area more than meets the AGS requirements of the policy. The applicant would maintain this area, together with the other areas of POS on the site, until handed over to The Council. Maintenance would need to be agreed as part of a Section 106 Agreement.

Children and Young Persons Provision (CYPP)

The applicants and ANSA have disagreed over the required provision in line with policy. ANSA have suggested that a NEAP should be provided, however the applicant’s feel that this should more reasonably be providing a LAP and a LEAP (Local Equipped Area of Play).

The latest plan shows a LAP being provided in the linear area of AGS and the applicants have indicated that a LEAP could be provided in the area of POS to be dedicated to the Council if that

were the requirement. Comments from ANSA on this matter are awaited and will be reported in the Update Report.

Health Infrastructure

The NHS Eastern Cheshire Clinical Commissioning Group have suggested the application contributes towards health infrastructure in the local area. As Members will be aware Inspectors on appeals within Congleton have not supported such requests on the basis that the requests made is generic, and not specific to a project to be implemented with costings/timings etc. In the absence of this information this request regrettably cannot be supported.

Social Role - Conclusion

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 83 new family homes, including a significant amount of affordable homes (although not the full 30%), on site public open space and financial contributions towards highway improvements as part of the CLR. Clearly lack of an education contribution works against the proposals, but as reported in the viability section, the development is not considered capable of making this contribution if the other matters it contributes towards (Highways/affordable Housing/transfer of land/bungalows) are agreed.

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, although in this case none is proposed. 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.

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

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

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

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

Whilst this matter needs to be clarified it is considered that that the site can provide an adequate level of POS on site together with a play area which would comply with policy.

Subject to a Section 106 package or appropriate conditions, the proposed development would provide adequate public open space, the necessary affordable housing requirements, and the requirement for the future maintenance of the open space and play-space on site. The site however would not contribute towards an education contribution based on the site viability as set out earlier in the report.

The proposal is considered to be acceptable in terms of its impact upon residential amenity and drainage/flooding. Conditions could be imposed to ensure this. It therefore complies with the relevant local plan policy requirements for residential environments.

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

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

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

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

SUBJECT TO Clarification on the siting of the pumping station, upgrading of the footpath to link to Chestnut Drive, open space provision and tree/hedgerow matters all of which are considered capable of being addressed, all be reported in the update to Members.

RECOMMENDATION

APPROVE subject to a Section 106 Legal Agreement to Secure:

- **19.2% of the dwellings to be affordable on a 65/35% tenure mix as follows:**
For rent
4 number 1 bed walk up flats
6 number 2 bed houses

Intermediate Housing
4 number 1 bed flats
2 number 3 bed houses
- **Area of public open space to be dedicated to CEC set aside for the future expansion to Back Lane Playing Fields (0.62 acres), to be maintained by Seddon Homes until “drawn down” by the Council.**
- **Amenity Greenspace provision including Footpath/cycleway and LAP provision with future management arrangements**
- **Contribution of £354,830 towards the delivery of the Back Lane improvement works.**

And the following conditions

- 1. Standard 3 year consent**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscaping**
- 5. Implementation of landscaping**
- 6. Tree/Hedgerow Protection Measures**
- 7. Arboricultural Method Statement including a requirement for a “no dig” hard surface construction for any area of hard surfacing within the root protection area of retained trees**
- 8. Levels**
- 9. Services/Drainage layout**
- 10. Construction and environmental Management Plan to include dust control**
- 11. Travel Information packs to be provided for residents**

12. **Electric Vehicle Infrastructure**
13. **Submission of a Contaminated Land Phase II investigation.**
14. **Control over imported soils**
15. **Requirement to inform LPA if unexpected contamination found**
16. **Bin storage.**
17. **10% renewable provision**
18. **Updated badger survey to be undertaken and submitted to the LPA prior to the commencement of development.**
19. **Safeguarding of nesting birds**
20. **Footpath link to be provided to Chestnut Drive with an all weather surface**
21. **Signage of footpath/cycle links**
22. **Scheme of appropriate surface water drainage**
23. **Detailed design of surface water drainage including the site discharge rate of a maximum of 13.4 l/s.**
24. **Provision and implementation of Travel Plan**

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

