

Application No: 19/3162C

Location: Land South of, Waggs Road, Congleton, Cheshire

Proposal: Outline planning application for the erection of up to 98 dwellings with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from Waggs Road. Footpath and carriageway improvements along Waggs Road fronting properties between 75 and 89 Waggs Road. All matters reserved except for means of access.

Applicant: Gladman

Expiry Date: 03-Oct-2019

SUMMARY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means “approving development proposals that accord with the development plan without delay”

The proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Policy PS8 of the Congleton Borough Local Plan as the development would result in a loss of open countryside. The proposal has also been supported by insufficient/out of date information in which to inform an assessment of the full highway impacts associated with the proposal which is contrary to Policies SD1, SD2, SC3, CO1 & CO4 of the Cheshire East Local Plan and Saved Policies GR9, GR10 and GR18 of the Congleton Borough Local Plan. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to these factors.

The development would also result in some visual harm to the landscape given that it seeks to develop a site in the countryside that is currently free from built form and this factor is given moderate weight. The proposal would also result in the loss of agricultural land. This factor is given limited weight.

The development would provide benefits in terms of affordable and open market housing provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers. These factors can be given moderate weight.

The development would have a neutral impact upon education, protected species/ecology,

flooding, living conditions, landscape, trees, design, air quality and contaminated land.

It is not considered that the benefits outweigh the adverse impacts and there are no material considerations which outweigh the harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION

REFUSE

PROPOSAL

The application seeks outline planning application for the erection of up to 98 dwellings with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from Waggs Road. Footpath and carriageway improvements are also proposed along Waggs Road fronting properties between 75 and 89 Waggs Road.

All matters are reserved except for means of access. Access, both vehicular and pedestrian would be taken from a single point adjacent to No.124 Waggs Road.

The framework and illustrative plans shows that the north western corner of the site is to be retained as an area of public open space and a child's play area to the southern boundary.

SITE DESCRIPTION

The application site comprises an irregular parcel of greenfield land, 4.03 hectares in size, situated to the south of Waggs Road and Meadow Avenue, Congleton. The land is designated as being within the open countryside in the adopted local plan.

The land is in agricultural use. There are native hedgerows on the northern boundary with the existing housing development, a bank top hedgerow on the western boundary with Fol Hollow and a hedge and trees on part of the southern boundary in the vicinity of New Bank Farm. The remainder of the southern boundary and the eastern boundary are largely open giving views towards the hills. The site is divided by a continuous central hedge running north-south and there are two mature field oak trees near to the proposed site entrance.

Public Footpath No.6 runs along the eastern boundary of the site.

The north western corner of the site slopes steeply down several metres to Waggs Road where there is a large amount of mature vegetation and this is a valuable habitat for protected species.

RELEVANT HISTORY

17/0195C – The erection of 104 residential dwellings, including open space, together with associated works including landscaping, the formation of access, site works, necessary engineering works to facilitate highway and footway improvements to Waggs Road and other necessary works – Refused 19-Apr-2017 for the following reasons:

1. *The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PS8 (Open Countryside), GR1 (New Development), GR2 (Design), H6 (Residential Development in the Open Countryside and the Green Belt) of the Congleton Local Plan, Policies PG5 (Open Countryside) and SD1 (Sustainable Development in Cheshire East) of the emerging Cheshire East Local Plan Strategy and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *The visibility of an existing access opposite the proposed site access has been affected by the revised access plans and the visibility has been reduced to an unacceptable distance, rendering the access unsafe and unsuitable for the existing residents. The reduced carriageway widths and on-street parking on Waggs Road and Fol Hollow are existing issues. However the inadequate infrastructure that provides access to the site and local schools is considered not to be of a satisfactory standard to support further major development proposals whose generated traffic will have a direct impact on both Waggs Road and Fol Hollow. As a result the development would have a severe adverse impact on Waggs Road and Fol Hollow, due to the sub-standard nature of these two highway routes. This severe adverse impact would significantly and demonstrably outweigh the benefits of the scheme namely housing land supply. The development is therefore contrary to Policies GR1 (New Development), GR2 (Design), GR3, GR7, GR9 (New Development), GR10 and GR18 (Traffic Generation) of the adopted Congleton Borough Local Plan, Policies SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SC3 (Health and Well-being), C01 (Sustainable Travel and Transport) of the Emerging Cheshire East Local Plan and the requirements of the NPPF*

16/25025 – EIA screening opinion for the proposed development of 104 no. dwellings, public open space, access and landscaping – approval not required 24-May-2016

13/3764C – The erection of 104 residential dwellings, including open space, together with associated works including landscaping, the formation of access, site works and other necessary works – Refused 10-Dec-2013 and dismissed at appeal APP/R0660/A/14/2214018 for the following reason:

The proposed development is located within Open Countryside and would have a severe adverse impact on Waggs Road and Fol Hollow due to the sub-standard nature of these two highway routes. This severe adverse impact would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policies GR1(V), GR18, PS8 and H6 of the Congleton Borough Local Plan First Review 2005 and to a core planning principle of the National Planning Policy Framework (paragraph 17), which recognises the intrinsic character and beauty of the countryside.

13/30785 – Environmental Impact Assessment Screening Opinion for 104 Dwellings together with associated access roads, footpaths, parking and amenity planting and the provision of public open space/play areas – Approved 20-Nov-2013

20958/1 & 20956/1 – 8 NEW HOUSES – Refused 02-May-1989 for the following reason:

- 1. the proposed development would be contrary to the policies and proposals contained in the recently approved Congleton town local plan.*
- 2. the site lies outside any area proposed for development and would represent an undesirable intrusion into the agricultural and rural surrounding to the town.*
- 3. adequate supplies of land for housing to meet the requirements of the town for the next five years at least.*

DIFFERENCE BETWEEN THE PROPOSAL AND REFUSED SCHEMES

The current proposal seeks a reduction in the total number of houses proposed with subsequent alterations to the previous illustrative layout.

The proposal also seeks to improve the off site highway improvement/widening works.

NATIONAL & LOCAL POLICY

Development Plan

The Development Plan for this area comprises of the Cheshire East Local Plan Strategy (CELPS).

Cheshire East Local Plan Strategy (CELPS):

MP1 – Presumption in Favour of Sustainable Development
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 - Open Countryside
PG7 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE9 - Energy Efficient Development,
SE12 - Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
IN1 – Infrastructure
IN2 – Developer Contributions

IN1 – Infrastructure

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

Congleton Borough Local Plan Saved Policies (CBLP):

PS8	Open Countryside
GR6-8	Amenity and Health
GR9	Accessibility, servicing and provision of parking
GR14	Cycling Measures
GR15	Pedestrian Measures
GR16	Footpath, Bridleways and cycleway networks
GR17	Car parking
GR18	Traffic Generation
GR 22	Open Space Provision
NR2	Statutory Sites (Wildlife and Nature Conservation)
NR3	Habitats
NR5	Habitats
DP9	Transport Assessment

Congleton Neighbourhood Plan (CNP) – Plan withdrawn from examination so carries no weight

National Planning Policy Framework

The relevant paragraphs include;

- 17 - Core planning principles
- 47-50 - Wide choice of quality homes
- 55 - Isolated dwellings in the Countryside
- 56-68 - Requiring good design

CONSULTATIONS

CEC Highways: Object as the submitted a Transport Assessment that assesses the impact of development on the road network has been based on traffic flows and speeds surveyed in 2013 which is not acceptable when considering the development impact in 2019. Therefore up to date survey data is required to take into account any changes in traffic flow patterns on Waggs Road and Fol Hollow and also a check on current vehicle speeds.

CEC Flood Risk Manager: No comments received at the time of writing the report

CEC Environmental Health: Recommend conditions/informatives regarding working hours for construction sites, piling, dust, electric vehicle charging, boilers and contaminated land

CEC Education: No objection subject to developer contribution of £485,873 towards primary, secondary and Special Educational Needs (SEN).

CEC Housing: No objection subject to provision of 30% affordable housing. The exact mix and tenures can be finalised at the Reserved Matters stage.

CEC ANSA: Proposal requires the provision of 20m² amenity green space per dwelling, 20m² children's play space per dwelling, provision of a community allotment/orchard measuring 500m² and a contribution of £1,000 per family dwelling for improvements to outdoor sports

CEC Public Rights of Way (PROW): No objection subject to conditions/informatives requiring new residents to be provided with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted. Also advisory notes reminding the applicant of their obligations.

NHS England: No comments received at the time of writing the report

United Utilities: No objections subject to conditions regarding surface water and foul drainage

Ramblers Association: No comments received at the time of writing the report

Environment Agency: No comments received at the time of writing the report

VIEWS OF THE PARISH/TOWN COUNCIL

Congleton Town Council: Objection on the following grounds:

- Local, strategic, regional and national planning policies
- Previous planning decisions (including appeal decisions)
- Layout and density of buildings
- Noise and disturbance
- Highway and safety issues
- Traffic generation
- Vehicular access
- Nature conservation
- Intrusion into Open Countryside/Green Belt
- Risk of potential flooding
- Safer routes to school and general safety
- Traffic statements to take into account junction assessments at the bottom of Foll Hollow and into Town via Waggs Road. Also the traffic surveys to include information gathered at the beginning and end of the school days in addition to normal rush hour times
- In conflict with the draft neighbourhood plan

REPRESENTATIONS

283 letters of objection received regarding the following:

- Road and pedestrian safety
- Harm to character/appearance of the area
- Loss of amenity
- Loss of open countryside
- Not required to deliver the local plan housing

- Previously refused appeal
- Outside of the settlement
- Not sustainable location
- Impact on the future Congleton link road
- Impact on local infrastructure and services (schools, health, roads)
- Flooding
- Air quality
- Loss of landscape
- Loss of wildlife
- Merging of settlements
- Loss of trees/hedgerows
- No one bedroom units proposed
- Loss of agricultural land

APPRAISAL

Principle of Development

The site lies largely in the Open Countryside as designated by the Adopted Cheshire East Local Plan, where policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere, affordable housing or where the dwelling is exceptional in design and sustainable development terms.

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

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

Housing Land Supply

The Cheshire East Local Plan Strategy was adopted on the 27th July 2017 and forms part of the statutory development plan. The plan sets out the overall strategy for the pattern, scale and quality of development, and makes sufficient provision for housing (36,000 new dwellings over the plan period, equating to 1,800 dwellings per annum) in order to meet the objectively assessed needs of the area.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Where a planning application conflicts with an up-to-date development plan (including any neighborhood plans that form part of the development plan), permission should not usually be granted.

The National Planning Policy Framework (NPPF) identifies the circumstances in which relevant development plan policies should be considered out-of-date. These are:

- Where a local planning authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer) or:
- Under transitional arrangements, where the Housing Delivery Test Result indicates that the delivery of housing was substantially below 25% of housing required over the previous three years.

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2018) was published on the 6th November 2018. The report confirms:

- A five year housing requirement of 12,630 net additional dwellings. This includes an adjustment to address historic shortfalls in delivery and the application of a 5% buffer.
- A deliverable five year housing land supply of 7.2 years (18,250 dwellings).

The 2018 Housing Delivery Test Result was published by the Ministry of Housing Communities and Local Government on the 19th February 2019 and this confirms a Cheshire East Housing Delivery Test Result of 183%. Housing delivery over the past three years (5,610 dwellings) has exceeded the number of homes required (3,067). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

Relevant policies concerning the supply of housing should therefore be considered up-to-date and consequently the 'tilted balance' at paragraph 11 of the NPPF is not engaged.

SOCIAL SUSTAINABILITY

Affordable Housing

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 98 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 29 Affordable Dwellings to be provided, 19 units should be provided as Affordable/Social rent and 10 units as Intermediate tenure.

The affordable housing provision will be secured as part of a S106 Agreement.

Public Open Space

Policy SE6 of the Cheshire East Local Plan Strategy seeks to deliver a good quality and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits.

The Design and Access Statement submitted with this application states that the development would provide 1.19 hectares of land dedicated to formal and informal open space with the north western corner of the site retained as an area of public open space and a child's play area to the southern boundary.

Play/green space

In accordance with Policy SE6 the development needs to provide:

1960m² amenity green space (AGS) – defined as 'most commonly, but not exclusively in housing areas, inc. informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens'

1960m² children's play space – defined as 'including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas – for example 'hanging out' areas, teenage shelters'

The play and amenity green space should:

- Follow FiT guidance
- provide LAP's and a NEAP for all ages (minimum 1000m²) with associated freeplay / kickabout space
- be moved to a central location – currently sits on the southern boundary
- have good surveillance from overlooking properties
- be located to meet minimum buffer distances, away from roads and hazards and avoid conflict with future residents
- be enclosed to avoid problems with dogs, roads, water bodies etc. if necessary dependant on the design
- have good hard surfaced pedestrian access and be an inclusive facility with the play area being predominately flat
- include amenity greenspace and landscaping with seats and features for the wider community

Although the development framework plan shows the plan as providing 9,900m² AGS much of this is landscaping for the retention of existing trees/hedgerows, buffer planting and SUDS. However, this will contribute to the Green Infrastructure Connectivity requirement.

ANSA have been consulted who advise that the area of open space to the west, as in the previous application, does not flow. They suggest consideration is given to the removal of 3 properties and re-orientation of the fourth most southerly to give open purposeful entrance to the site. Again the current layout creates a narrow pinch point which has a potential to cause nuisance to the residents living the those plots. These comments are noted however as the proposal is submitted in outline form it is considered that this could be addressed at reserved matters stage once the layout has been fixed.

In addition to the above, the Green Space Strategy identifies a shortage of allotments therefore space allocated for allotments/community food production should be provided. Allotments are not practical on this site therefore ANSA suggest approximately 500m² uncontaminated land, preferably set away from roads should be allocated for community food growth. This could be in the form of a community allotment/orchard, herb gardens, raised beds etc. – ultimately once the community is established it will be for the community to decide.

Outdoor sport

Policy SE6 & SC2 also require major developments (10 or more) contribute through land assembly and/or financial contributions, to new or improved sports facilities where development will increase demand and/or there is a recognised shortage in the locality that would be exacerbated by the increase in demand arising from the development. Therefore, a financial contribution of £1,000 per family dwelling is sought for improvements to outdoor sports in line with the recently updated Playing Pitch Strategy. Please note this figure is subject to change.

Indoor sport

In line with the Indoor Built Facility Strategy there should be a focus on improvement of provision at Congleton Leisure Centre (IBFS Page 40). Whilst new developments should not be required to address an existing shortfall of provision, they should ensure that this situation is not worsened by ensuring that it fully addresses its own impact in terms of the additional demand for indoor leisure provision that it directly gives rise to. Furthermore, whilst the strategy acknowledges that the increased demand may not be sufficient to require substantial indoor facility investment through capital build there is currently a need to continually improve the quality and volume of health and fitness opportunities at the Leisure Centre to accommodate localised demand for indoor physical activity.

In this case the proposal would require the following contribution towards indoor sport based on 98 dwellings:

- 98 dwellings at 1.61 people per residence = a population increase of 158
- The annual Sport England Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East = 67 additional “active population” due to the new development at Waggs Road, Congleton
- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional equivalent 2.7 stations or their financial equivalent (one fitness station equivalent of £6,500). Total contribution requested £17,550

The above contributions towards open space, allotments and sports facilities can be secured as part of a S106 Agreement.

Education

A development of up to 98 dwellings is forecast to generate 18 primary, 15 secondary and 1 SEN school children.

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

$18 \times £11,919 \times 0.91 = £195,233$
 $15 \times £17,959 \times 0.91 = £245,140$
 $1 \times £50,000 \times 0.91 = £45,500$ (SEN)
Total education contribution: £485,873

As such there is a requirement for a contribution from this development towards school provision and the sum of £485,873 will be secured as part of a S106 Agreement.

Health

There are 3 medical centres in Congleton within 1 mile of the site and according to the NHS choices website these practices are currently accepting patients.

The South Cheshire Clinical Commissioning Group (CCG) have also been consulted to advise on capacity and whether or not any contributions are required towards medical provision. These were not available at the time of writing the report but will be provided in the update report.

Any requirement for medical provision will be secured as part of a S106 Agreement.

Location of the site

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities 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.

An assessment detailing the proximity of the site to the services within the tool kit has not been provided however and brief assessment has been made by the case officer. The site is located 780m to the nearest bus stop of Newcastle Road however this is not assessable by public footpath. The site is also located 1100m to the nearest bus stop on West Street. Whilst this is assessable by public footpath it is quite narrow in places and was noted as a concern by the planning inspector for the appeal that was dismissed ref APP/R0660/A/14/2214018 where the inspector stated:

“Whilst town centre facilities, services and transport links would be nearby, access to these facilities by pedestrians would in the majority of cases be along the sub-standard footways of Waggs Road. The proposed road junction would fail to provide safe highway conditions”

As a result it is clear that the site is outside of those distances as recommended in the checklist and would likely result in future occupants relying on motor vehicles in which to reach local services and amenities. However it is noted that the planning inspector considered that “facilities, services and transport links would be nearby”, suggesting that he considered the proximity of the site to be within acceptable levels.

Whilst the Council does not necessarily agree with this view given the distance of the site to services, the physical location of the site remains unchanged since the appeal decision, therefore it would be difficult to argue this point based on the comments of the Inspector.

Whilst locational sustainability is not considered to be the determinative factor in its own right it does nevertheless weigh against the proposal in the overall planning balance.

ENVIRONMENTAL SUSTAINABILITY

Housing Mix

Paragraph 61 of the Framework states that ‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with

disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes’.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). This is echoed within the SNP Policies H3 (Housing Mix and Type) which states that housing should be designed to provide a mix of houses to meet identified need (e.g. affordable housing, starter homes and provision for housing an ageing population) and Policy H4 (Housing and an Ageing Population) which states that developments will be supported that provide suitable, accessible houses

A condition could be imposed to secure a mix of house types at the reserved matters stage.

Residential Amenity

The main residential properties affected by this development are properties to the east of the site on Waggs Road (124-102) & 17-7 Meadow Avenue, property to the south New Bank Farm and properties to the north 139-135 Waggs Road.

The application is in outline form and the indicative layout suggests that adequate interface distances could be achieved without causing significant harm to neighbouring properties.

Whilst the final layout will not be set until reserved matters stage, it does appear that the site could accommodate the number of dwellings proposed.

Contaminated Land

As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality whilst Policy H2 of the SNP states that development should not cause unacceptable air pollution. This is in accordance with paragraph 170 of the NPPF and the Government’s Air Quality Strategy.

This outline proposal is for the residential development of up to 98 dwellings and has been supported by an Air Quality Assessment. This has been reviewed by Environmental Protection Officers who advise that the proposed development is considered significant in that it is likely to change traffic patterns and congestion in the area.

However, should, on balance, the application be recommended for approval, Environmental Protection Officers consider the following conditions necessary to ensure that local air quality is not adversely impacted for existing and future residents:

- Dust Control
- Travel Plan
- Electric Vehicle Infrastructure

- Ultra Low Emission Gas Boilers

Subject to the imposition of these conditions the impact upon air quality from this development is considered to be acceptable.

Public Rights of Way (PROW)

According to the legal record of Public Rights of Way, the proposed development appears to be adjacent to Public Rights of Way, namely Footpaths No. 6 and 7 in the parish of Congleton (working copy extract enclosed).

The potential pedestrian access locations would affect the public footpaths and as such the further details on these is required i.e. surfacing, widths, gradients, landscaping and structures etc if planning consent is granted.

As a result the Councils Public Rights of Way Team have been consulted who have raised no objection subject to conditions/informatives requiring new residents to be provided with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted.

Highways

This outline planning application for up 98 dwellings seeks access to be determined and all other matters reserved for subsequent approval. There are a number of changes proposed in this application that have sought to address the highway refusal reason in the previous application, most notably changes to the access and the introduction of wider footpath along a section of Waggs Road that currently has a very narrow footpath.

In support of this application, the applicant has submitted a Transport Assessment (TA) that assesses the impact of development on the road network. This has been assessed by the Councils Highways Engineer who advises that this document fundamentally, has been based on traffic flows and speeds surveyed in 2013 which is not acceptable when considering the development impact in 2019. To fully assess the highway impact up to date survey data is required to take into account any changes in traffic flow patterns on Waggs Road and Fol Hollow and also a check on current vehicle speeds.

Therefore, the Highways Engineer has advised that insufficient information has been provided to consider the acceptability of the site access proposals and also the impact of the proposed development on the local road network.

As a result the proposal is contrary to Policies SD1, SD2, SC3, C01 & C04.

Landscape

Although located within the Open Countryside there are no landscape designations on the site. The application site is currently agricultural land with native hedgerows along the northern boundary and a hedge and a number of trees along the southern boundary in proximity to New Bank Farm, and the remainder of the southern boundary being open. There is a hedgerow that divides the site along a north-south alignment and there are a number of mature trees located near to the proposed access from Waggs Road.

The Landscape and Visual Appraisal indicates that existing boundary hedgerows will be retained and enhanced; that green link corridors will be provided and that there will be new tree and shrub planting, as well as structural planting. However, this is an outline application and these objectives are indicative of what could be done, rather than what will be done.

The submitted Landscape and Visual Appraisal identifies the National Character Area as well as the most recently updated Cheshire East Landscape Character Assessment, which identifies that the application site is wholly located in the Lower Wooded Farmland –Landscape Type 7 and more specifically the Brereton Character Area 7e. The appraisal identifies that the site has a medium landscape value. The landscape appraisal indicates that there would be a minor adverse landscape effect during the construction period, and that following completion a negligible landscape effect on the local landscape character and a minor adverse to negligible effect on the site and immediate area character. The visual appraisal identifies a moderate adverse effect at the construction phase, major to moderate adverse effects for adjacent sensitive receptors, moderate to minor adverse effects to less sensitive receptors to the south and negligible effects to more distant receptors. The Councils Landscape Officer broadly agrees with landscape and visual appraisal.

The application has been the subject of a number of previous applications. The Planning Inspector at an appeal for this site (APP/R0660/A/14/22214018) noted that:

“The appeal site lies within an area known as Priestly Fields that has survived largely unchanged for many centuries and forms part of the rural setting of Congleton. The construction of 104 dwellings on the site would fundamentally alter its appearance resulting in the loss of its rural and agricultural character. Protection of the natural and historic environment is part of the environmental role of the planning system as set out in paragraph 7 of the Framework. In simple terms the proposal would conflict with this objective. That said, whilst suburban development would extend further along the northern end of Stony Lane, the proposed housing would be seen here in the context of existing housing in Meadow Avenue. From further south, down the slope and along Lambert’s Lane the appeal site is largely concealed by the ridge of the hill. Gardens and planting would form the southern boundary of the site and where visible at all only glimpses of the houses would be seen. From Fol Hollow the enclosing banks, rising ground and vegetation would largely screen the buildings none of which would sit on the road frontage. The visual impact of the development on the wider landscape character would therefore be limited and the weight I give to harm in this respect is therefore modest”..

The Councils Landscape Officer agrees with the Inspector’s comments that the proposed development would result in the loss of the site’s rural and agricultural character, and that this would be seen in the context of existing dwellings along Waggs Road and Meadow Avenue, and also that in terms of the visual effects, the proposals would also be seen in the context of existing development, largely screened along Waggs Road/Fol Hollow by existing residential dwellings and along the western part of the application site by the rising ground and vegetation.

Consequently the landscape officer does not feel that the proposed development would result in long term substantially adverse effects but notes the application site would have some landscape impact and it is located within an area identified as Open Countryside. The limited landscape harm is considered to carry modest weight against the proposal.

Trees

The loss of the trees located on Waggs Road to facilitate the proposed highways improvements was accepted as part of the application 17/0195C, the Councils Forestry Officer see no reason to alter this decision and implementation of a Tree Preservation Order individually or collectively is not considered appropriate.

The proposed access into the site is located between number 124 Waggs Road and two large mature Oak trees (T3 & T4) located within the proposed development area protected as part of the Cheshire East Borough Council (Congleton - Land to the South of Fol Hollow/Waggs Road) Tree Preservation Order 2013, and requires a significant degree of engineering to accommodate the change in levels between the lower level off Waggs Road and the higher elevation associated with the proposed development site.

The access associated with previous application (17/0195C) respected the Root Protection Areas (RPA) of both the protected trees T3 and T4 with the western edge of the access banking graded down to the carriageway outside the RPA's.

However the Croft Transport Planning and Design proposed site access arrangement plan (Ref 2210-F02 Rev E) supporting this present application depicts the western edge of the highway pavement on the edge of the RPA associated with T3 and makes no allowance for the grading of the banking or any retaining structure which will clearly be required and can only be accommodated within the trees RPA within this present layout, this is clearly not desirable.

As a result the proposal would not be fully in accordance with Policy SE5.

Design

The importance of securing high quality design is specified within the NPPF and paragraph 127 states that decisions should ensure that developments;

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

The illustrative plan shows that the layout would be based on a cul-de-sac style layout with one point of access from Waggs Road to the north-west. An area of open space is proposed to the southern and north-western boundaries.

Design - Assessment

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

Need insurance re: securing the pedestrian links to the edge of the site to features and pedestrian routes beyond the site boundary.

Concern that the proposed off-site enhancements on Waggs Road to the north east of the site will not be sufficient to promote a positive pedestrian environment to promote walking and cycling to the various facilities identified closer to the town centre

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

Not enough evidence provided re: walking distances to the facilities identified in the DAS. Walking isochrones.

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

More information needs to be provided to evidence the assertions in the DAS about access to public transport..

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

This cannot be fully assessed until the detailed stage, having regard to mix, distribution and design of both market and affordable housing. However, it is noted that strategic housing seem to be agreeable to the principles for affordable housing.

Character

Does the scheme create a place with a locally inspired or otherwise distinctive character?

This cannot be fully assessed given this is an outline application. However, based on the framework plan and the information in the DAS, there are likely to be a number of issues in any resulting ARM.

- The arrangement of streets and development blocks and likely orientation of housing to the feature trees at the site entrance and the central hedgerow
- The street hierarchy not reflecting that in the Design Guide leading to over engineered rather than social streets

- The potential for excessive areas of frontage parking, harming the character of streets
- The development encroaching too close to Stony Lane with little space to reinstate hedgerow
- The SUDS limiting the opportunity for edge landscaping on the southern edge of the site.

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

Trees and hedgerows largely being retained, including 2 feature trees off Waggs Road. View to Astbury Church identified from area of open space on the Framework Plan.

A pocket of trees/greenery in the eastern parcel toward the southern boundary not being

The site slopes from north to south and so there is an opportunity utilise the topography to promote passive benefits in terms of solar capture which isn't considered within the application information or the design principles set out in the DAS.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

As this is outline, this cannot be fully asessed however, the principle of the framework of streets spaces and the street hierarchy set out in the framework plan can be considered.

The hierarchy does not reflect that in the design guide and the illustrative masterplan shows that lower tier streets would be overly engineered. The position of the street in the western corner of the site creates an awkward development block that could lead to housing having a poor relationship to the 2 feature trees at the site entrance (with housing backing onto the trees and associated space.

There are pinch points in the southern fringe of open space created by proximity to the site boundary and the SUDs and adjacent to Stony Lane on the eastern boundary .

Easy to find your way around

Is the scheme designed to make it easy to find your way around?

Retained trees create a positive entrance into the site

As above in relation to street hierarchy. The framework plan also does not identify the feature spaces shown in the DAS and illustrative masterplan..

Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

Based on the framework the street hierarchy is not in conformity with the Design Guide, which is further reinforced by the illustrative masterplan where the formality of lower tier streets is excessive and creates a pretty uniform street character rather than one with a clear hierarchy.

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

As this is not a detailed scheme it is not possible to assess this. However, the scheme in the illustrative masterplan does present issues that would translate to over dominance of car parking in certain parts of the development that would be detrimental in a detailed proposal and could lead to a red assessment.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

This cannot be fully assessed at this time given it is an outline application. In terms of strategic principles in the framework plan, the rating is informed by the comments of landscape and open space colleagues are noted re: the quantum, quality and mix of open space within the proposal. It is not understood how all the open space requirements can be met based on the framework plan submitted.

Large flood attenuation facilities are identified on the development framework plan within open space on the southern edge of the site. The open space to the west will be contained by the sloping topography. It is unclear where the allotment space is to be provided

Natural features such as the central dividing hedgerow and 2 trees at the site entrance are proposed for retention but there is concern about the relationship that will be created to the space by the enveloping development.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

Outline and therefore it cannot be fully assessed and insufficient information has been included to explain that this has been provided in the supporting information to identify that this issue is being properly considered from the outset.

Adequate provision for bin, cycle and external storage – garage sizes, outbuildings for smaller house types.

Garden sizes on smaller units insufficient to enable adequate private amenity space.

Design Conclusion

On the basis of the above assessment it is considered that the proposed development raises a number of concerns against the Cheshire East Design Guide. However given that the proposal has been submitted in outline form there will be scope to ensure that the detailed layout addresses these matters.

Land Levels

The application is in outline form and no land levels details have been provided. If approved a condition could be imposed to require the details at the reserved matters stage.

Ecology

Statutory Designated Sites

The application site does not fall within Natural England's SSSI impact risk zones. The proposed development is therefore not likely to have an adverse effect upon any statutory designated sites. No further action in respect of designated sites is therefore required under the Habitat Regulations or Wildlife and Countryside Act.

Local Wildlife Sites

The application site is located in relatively close proximity to two local Wildlife Sites, Astbury Mere and The Howty Corridor. Whilst these would not be likely to be directly affected by the proposed development, there is a risk of adverse impacts occurring as a result of construction phase related dust contamination.

In the event that outline planning permission is granted the Councils Ecologist recommends that the submission of dust control measures, as part of a Construction Environmental Management Plan, be secured by means of a planning condition.

Bats

Only one bat activity transect survey has been completed. Based on the available bat activity data bat activity on site was relatively low and is broadly as would be expected for a site of this nature. Bat activity on site occurred mostly around the hedgerows and boundary vegetation. The loss of sections of hedgerow as a result of the proposed development is likely to have a localised impact on foraging bats. This would however be unlikely to be significant enough to amount to an offence. To compensate for this impact the Councils Ecologist advises that it must be ensured that adequate compensatory planting is provided in relation to that lost. This can be assessed as part of the biodiversity metric calculation discussed below.

Two trees on site were identified as having potential to support roosting bats. Both of these trees can be retained as part of the proposed development. The Councils Ecologist therefore advises that the proposed development is not likely to have an adverse impact upon roosting bats. It must however be ensured, at the detailed design stage, that the retained trees are not subject to excessive lighting.

Lighting

Whilst levels of bat activity on site appear relatively low, the introduction of additional lighting of this site has the potential to have a localised impact upon foraging bats. To avoid any adverse impacts on bats resulting from any lighting associated with the development the Councils Ecologist recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed.

Great Crested Newts and Common Toad

The Councils Ecologist advises that these amphibian species are unlikely to be significantly affected by the proposed development.

Reptiles

Limited potential for reptiles was identified on site. The low risk of any reptiles being harmed during the construction phase can be reduced through the implementation of Reasonable Avoidance Measures

during site clearance works. Outline mitigation proposals have been included with the submitted ecological assessment and these can be secured by condition.

Other Protected Species (OPS)

Two OPS setts were recorded. The proposed development is unlikely to have an adverse impact on the setts. The proposed development will result in the loss of OPS foraging habitat. This impact is unlikely to be significant, however if outline planning permission is granted the Councils Ecologist recommends that fruit trees be incorporated into the landscaping scheme produced at the reserved matters stage.

As the status of badgers on a site can change he also recommends that if outline consent is granted a condition should be attached which requires any reserved matters application to be supported by an updated survey and mitigation method statement.

Breeding Birds

The habitats on site are likely to support a range of breeding bird species including more widespread priority species which are a material consideration for planning. The Councils Ecologist advises that the impacts of the proposed development on breeding birds can be reduced if sufficient replacement hedgerows are provided to compensate for those lost.

Hedgerows

Native Species hedgerows are a priority habit and hence a material consideration. In addition Hedgerow (H6) was found to be Important under the Hedgerow Regulations. Much of the existing hedgerows could be retained under the submitted Framework Plan, however the potential pedestrian access points may result in the loss of sections of Important hedgerow H6 and access roads are likely to result in the loss of sections of other hedgerows on site. The Councils Ecologist therefore advises that the Framework plan must be amended to minimise the losses of existing hedgerows.

However he also suggests that if this is not possible if outline planning permission is granted, it must be ensured that any losses of hedgerow are minimised at the reserved matters stage and compensatory hedgerow planting must be provided for any sections of hedgerow unavoidable lost. This can be secured by condition.

Brown Hare, Hedgehog, Pole Cat

The above Biodiversity Action Plan priority species have been recorded within 1km of the application site and so it is reasonable that they would utilise the site on at least a transitory basis. The proposed development would result in the loss of habitat for these species, which would result in a low impact. This impact can be compensated for provided adequate habitat creation is proposed on site as assessed by the Defra metric below.

Ecological enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The Councils Ecologist recommends the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

At the time of writing the report no assessment was provided. It is expected that further details of this will be provided in the update report with updated comments from the Councils Ecologist.

Inclusion of features to enhance biodiversity

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

The Councils Ecologist therefore recommends that the applicant submits an ecological enhancement strategy which can be secured by condition.

Ecology conclusion

It would appear that most ecological impacts can be suitably addressed by conditions to mitigate any negative impacts. The suggested conditions are considered both reasonable and necessary to mitigate harmful impacts and could be added to any decision notice.

Therefore it would appear that the proposal could be accommodated without significant ecological impacts.

However further information is required to consider the residual ecological impacts using the Defra metric which has been requested and will be considered further in the update report.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and requires a Flood Risk Assessment (FRA) given the size of the site. The submitted FRA concludes that it has been demonstrated that surface water can be managed such that flood risk to and from the site following the development will not increase through restricted greenfield discharge rates and appropriately sized detention basins with outfalls to water course.

The FRA demonstrates the development would be operated with minimal risk from flood and would not increase flood risk elsewhere. The development should therefore not be precluded on the grounds of flood risk and surface water drainage.

The United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions surface water and foul drainage.

The Councils Flood Risk team have also been consulted but have not provided comments at the time of writing the report. These will be provided in the update report. However they did respond to the initial application and raised no objection subject to condition requiring a drainage strategy. Given that the proposal is for the same use and the same site it is considered reasonable that these comments remain valid to the current application.

Therefore it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions.

Agricultural Land Quality

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land. This is defined in the glossary of the Local Plan as being land in grades 1, 2 and 3a of the Agricultural Land Classification.

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, no Agricultural Land Quality Report has been provided in support of the application. However an Agricultural Land Use and Land Classification Report was submitted for the previously refused scheme. This report found the site is not graded in the 1 to 5 category and as such was not classed as being the 'best and most versatile agricultural land' defined in the NPPF.

Thus, it was concluded that whilst the proposal would have resulted in the loss of a small quantity of Grade 3 agricultural land, the loss would not be 'significant' and was weighed in balance against the benefits of the scheme.

It is considered reasonable to arrive at the same conclusion for this proposal.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Congleton including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. This is considered to carry moderate weight in favour of the proposal.

CIL Regulations

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations 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 within the main report, the area of open space/play area, is identified on the indicative plans. It is necessary to secure these works and a scheme of management and allotments and sports facilities. These are directly related to the development and are fair and reasonable.

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

The proposal would result in a requirement for the provision of 30% affordable units which would be split on a social rented/intermediate basis. This is considered to be necessary and fair and reasonable in relation to the development.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

PLANNING BALANCE

The proposed development would be contrary to Policies PG6 & SD1 of the CELPS & Policy PS8 of the Congleton Borough Local Plan as the development would result in a loss of open countryside. The proposal has also been supported by insufficient/out of date information in which to inform an assessment of the full highway impacts associated with the proposal which is contrary to Policies SD1, SD2, SC3, CO1 & CO4 of the Cheshire East Local Plan and Saved Policies GR9, GR10 and GR18 of the Congleton Borough Local Plan. Given that Cheshire East can demonstrate a 5 year supply of deliverable housing sites, significant weight is given to these factors.

The development would also result in some visual harm to the landscape given that it seeks to develop a site that is currently free from built form and this factor is given moderate weight. The proposal would also result in the loss of agricultural land. This factor is given limited weight.

The development would provide benefits in terms of affordable and open market housing provision, public open space, delivery of economic benefits during construction and through the spending of future occupiers. These factors can be given moderate weight.

The development would have a neutral impact upon education, protected species/ecology, flooding, living conditions, landscape, trees, design, air quality and contaminated land.

The proposed development is contrary to the Development Plan. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused unless material considerations indicate otherwise. It is not considered that the benefits outweigh the adverse impacts and there are no material considerations which outweigh the harm caused. As such it is considered that the development does not constitute sustainable development and should therefore be refused.

RECOMMENDATION:

REFUSE

- 1) The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies PG6 (Open Countryside) & SD1 (Sustainable Development in Cheshire East) of the Cheshire East Local Plan Strategy, Saved Policy PS8 (Open Countryside) of the Congleton Borough Local Plan and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use.

- 2) The proposal has been supported by a Transport Assessment based on traffic and road speeds surveyed in 2013 which is several years out of date and does not give an accurate reflection of current circumstances. As such insufficient information has been provided in which to inform the full highway impacts of the proposal. The development is therefore contrary to Policies SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SC3 (Health and Well-being), C01 (Sustainable Travel and Transport), C04 (Travel Plans and Transport Assessments) of the Cheshire East Local Plan, Saved Policies GR9, GR10 and GR18 (Traffic Generation) of the Congleton Borough Local Plan and the requirements of the NPPF

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

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted and approved
Health	To be confirmed in the update report	To be confirmed in the update report
Public Open Space	Provision of 20m2 amenity green space per dwelling Provision of 20m2 children's play space per dwelling Provision of a community allotment/orchard measuring 500m2 Contribution of £1,000 per family dwelling for improvements to outdoor sports Contribution towards indoor sport using the below formula - Number of dwellings at 1.61 people per residence = the population increase - The annual Sport England	50% Prior to first occupation 50% at occupation of half the eventual number of dwellings (for e.g. if 98 provision at occupation of 49 th dwelling)

	<p>Active People Survey Results for 2016 showed 42.7% participation rate for Cheshire East = % based on the above figures additional “active population” due to the new development at Waggs Road, Congleton</p> <p>- Based on an industry average of 25 users per piece of health & fitness equipment this equates to an additional equivalent ? stations or their financial equivalent (one fitness station equivalent of £6,500).</p>	
Education	<p>Contribution to support school provision using the below formula:</p> <p>18 x £11,919 x 0.91 = £195,233 15 x £17,959 x 0.91 = £245,140 1 x £50,000 x 0.91 = £45,500 (SEN)</p>	<p>50% Prior to first occupation 50% at occupation of half the eventual number of dwellings (for e.g. if 98 provision at occupation of 49th dwelling)</p>

