



Appeal Decisions

Inquiry held on 26 and 27 November 2013

Site visits made on 27 and 28 November 2013

by Mike Robins MSc BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 February 2014

Appeal A: Appeal Ref: APP/R0660/A/12/2188604

Land off The Moorings, Congleton, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Michael Johnson of Seddon Homes Limited against Cheshire East Council.
 - The application Ref 12/3025C, is dated 2 August 2012.
 - The development proposed is up to 40 dwellings, open space, associated landscaping, infrastructure, access and demolition of a portal shed.
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Appeal B: Appeal Ref: APP/R0660/A/12/2188605

Land off Goldfinch Close and Kestrel Close, Congleton, Cheshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Michael Johnson of Seddon Homes Limited against Cheshire East Council.
 - The application Ref 12/3028C, is dated 2 August 2012.
 - The development proposed is up to 40 dwellings, open space, associated landscaping, infrastructure and access.
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Decision

Appeal A:

1. The appeal is allowed and planning permission is granted for up to 40 dwellings, open space, associated landscaping, infrastructure, access and demolition of a portal shed at land off The Moorings, Congleton, Cheshire in accordance with the terms of the application, Ref 12/3025C, dated 2 August 2012, subject to the conditions set out in the attached Annex 1.

Appeal B

2. The appeal is allowed and planning permission is granted for up to 40 dwellings, open space, associated landscaping, infrastructure and access at land off Goldfinch Close and Kestrel Close, Congleton, Cheshire, in accordance with the terms of the application, Ref 12/3028C, dated 2 August 2012, subject to the conditions set out in the attached Annex 2.

Application for costs

3. At the Inquiry an application for costs was made by Seddon Homes Limited against Cheshire East Council (the Council). This application is the subject of a separate Decision.

Procedural Matters

4. This Inquiry dealt with two applications relating to two separate, albeit relatively closely related sites. Both applications were in outline with matters relating to appearance, landscaping, layout and scale reserved for future determination. The main issues are common to both sites and they have been dealt with together in this decision, unless specifically stated. In addition to my accompanied site visit, I also carried out an unaccompanied visit to areas as requested by parties to the appeal, including Lamberts Lane, the cemetery and churchyard, Moss Road and Daven Road.
5. I note references to a larger development site, Falcon Rise, which includes the two appeal sites. While I understand this to be currently under consideration by the Council, and the appellant acknowledged in their statement that these sites would, in effect, be the first phases of the wider site, this proposal is not before me. My considerations relate solely to the planning merits of the proposals for the two developments of up to 40 houses each.
6. Although the appellant has pursued these appeals based on the non-determination of the applications, a report had been taken to the Council's Strategic Planning Board (SPB) on the 5 December 2012. At this meeting the Council were minded to allow the proposals. However, following publication of the Council's Strategic Housing Land Availability Assessment (SHLAA), 1 March 2013, the Council changed their position at a later SPB meeting, 22 May 2013.
7. By resolution, the Council confirmed that they considered there to be a five year housing land supply (HLS) and that the proposals would harm open countryside and result in a loss of Grade 3A agricultural land. Subsequently the Council have confirmed that they now cannot demonstrate a five year HLS.
8. A Statement of Common Ground (SoCG) was submitted to the Inquiry in relation to planning matters, dated 8 November 2013. This set out matters in agreement, including the Council's position on the 5 year HLS. This confirmed their explicit acceptance that they couldn't meet the objectively assessed housing needs for the area, and that policies relating to housing supply cannot be considered to be up to date. Points of disagreement related to the other relevant matters in the resolution set out in the May SPB report.
9. A SoCG on highway matters was also submitted, dated 5 November 2013, in which matters relating to the transport network and traffic flows were agreed between the Council and the appellant. However, as expressed by local residents and Councillors, considerable concerns remain with respect to matters of access, vehicular and pedestrian use of the nearby road network, and in particular access to the town centre via Canal Street.
10. Two Unilateral Undertakings, one for each site, signed and dated 27 November 2013, were submitted by the appellant under the provisions of the Town and Country Planning Act 1990. These were to address affordable housing and contributions sought by the Council. I have considered these later in my decision.
11. The appellant submitted further information after the close of the Inquiry relating to a High Court Judgement¹. Only exceptionally will further information be considered post closure of an Inquiry. In this case, the

¹ Case Nos: CO/3629/2013, CO/3626/2013, CO/7880/2013. Citation number [2013] EWHC 3719

Judgement was made on 27 November 2013 and could not reasonably have been provided at the event, albeit matters relating to the Secretary of State's (SoS) decision and the Inspector's reports could². Accordingly, the Council were given time to provide comment on this matter, as this related to issues of policy associated specifically with their case. I have taken these comments into account in my decision.

Main Issues

12. I consider that there are three main issues in this case:

- The effect of the proposals on the character and appearance of the area;
- Whether the loss of the best and most versatile agricultural land would be acceptable; and
- The effect of the proposals on the highway safety for users of the local road network.

Reasons

The Sites

13. The appeal sites would both be accessed through extensions of existing estate road networks leading off Canal Road. Appeal A relates to a u-shaped plot of land, which extends around a farmhouse, Highfield House, and has trees to the north, open land facing the cemetery to the west and partially open land to the south. The site would appear to be in agricultural use with grazing sheep and a portal framed barn. Appeal B relates to a plot of land with hedgerows and open land to three sides. The land is somewhat overgrown with no evidence of current use.
14. Two Tree Preservation Orders (TPO) relate to the sites. The first, dated 1986, relates to mostly individual trees spread across the area including the two sites, referenced as The Canal Road Congleton, and the second, dated 1980, relating to the group of trees immediately to the north of Appeal A, referenced as Canal Street Congleton.
15. Both sites are to the south of Congleton and lie on the eastern side of a finger of open land extending towards the town centre. This land comprises agricultural or equestrian use, a small valley feature and the town's cemetery, attached to St Peter's Church. Green Belt land lies further to the south, beyond Lamberts Lane, a public right of way (PROW).
16. Congleton itself retains its compact, market town centre, with a number of historic buildings and a somewhat restricted local road network, but it has expanded into a town of some size. It is identified in the Congleton Borough Local Plan, First Review, adopted 27 January 2005, (the Local Plan), as the largest town in the borough. Since then, Congleton Borough has formed part of the new Unitary Authority of Cheshire East, and in the emerging Cheshire East Local Plan (Core Strategy), it is identified as a large market town.

² APP/F1610/A/11/2165778

The Policy Framework

17. An Order to revoke the Regional Strategy for the North West of England came into force in May 2013. The Order also revokes all directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area. Thus the relevant parts of the Cheshire Structure Plan no longer form part of the development plan for the area.
18. The extant development plan therefore comprises the Local Plan, adopted in 2005. This addressed the period to 2011, and while it may be considered time-expired, relevant policies in it were saved. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with planning applications the planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to other material considerations. This is reflected in section 38(6) of the Planning and Compulsory Purchase Act 2004, which provides that determination must be made in accordance with the development plan unless material considerations indicate otherwise.
19. The Local Plan sets out a strategic approach, Policy PS3, which directs development to a hierarchy of settlements. Congleton is within the first order of settlements for development, and Policy PS4 defines Settlement Zones Lines (SZL) within which there is a general presumption in favour of development. The accompanying text also sets out that it seeks to concentrate development within or adjoining the major settlements, noting that the boundaries of the SZLs are set to accommodate future land use needs for the plan period. The plan acknowledges that these are not intended as long term boundaries. Land outside the SZL is considered as open countryside or Green Belt.
20. The Council do not rely on Policy PS4, rather they refer to Policies PS8 and H6 in their resolution. These policies address the protection of the open countryside, in effect setting out the very limited categories of development, in the case of Policy PS8, or housing, in the case of Policy H6, which could be allowed. Although affordable housing is offered as part of the overall schemes, neither proposal reflects the categories set out in these policies.
21. The National Planning Policy Framework, (the Framework) was published in March 2012, and set out an implementation period in relation to development plan policies. While the starting point for determination of any appeal remains the development plan, Paragraphs 214 and 215 indicate the importance of consistency with the Framework up to, and now following the 12 month implementation period.
22. At the heart of the Framework is a presumption in favour of sustainable development, and it seeks to guide new and emerging development plans in this approach. However, the Framework also provides a context for planning decisions, particularly in areas where development plans are older or do not respond to recent pressures and are potentially out-of-date. In relation to housing, the direction is clear; paragraph 47 explicitly seeks to significantly boost the supply of housing. It goes further to identify, in 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.

23. In this case, two scenarios were put to the Inquiry. The first, submitted by the appellant, suggested that, as the Local Plan was time expired and the housing policies out of date, the whole plan should be considered out of date, in particular the relationship between the SZL and countryside policies. As a result paragraph 14 of the Framework should apply, with any adverse impacts of development needing to significantly and demonstrably outweigh the benefits of the scheme.
24. In the second, submitted by the Council, housing supply policies were accepted to be out-of-date, although other policies were not and were considered consistent with the Framework. As a result, it was suggested that the second bullet point of the second limb of Framework paragraph 14 did not apply, as the plan was not out-of-date. The decision should therefore be one of a simple planning balance. This point was taken further to suggest that the balance was one of judgement, in this case, primarily harm to the countryside against a contribution to a HLS deficit, for which steps were being taken to resolve. It was proposed that, as the question of whether the policies of the Framework, as a material consideration, outweigh harm is a matter of judgement, and that such judgements can reasonably be expected to elicit different views. Therefore the primacy of the development plan, it was suggested, should be considered and the decision refused.
25. I have considered these two cases in carefully. Turning to the first, I am satisfied that the Council's acceptance that they cannot demonstrate a five year HLS unquestionably engages paragraph 49 of the Framework, and policies for the supply of housing should be considered out-of-date. The consideration of whether the Council can almost meet their responsibilities on this matter, or indeed whether they are close to finding the answer, is not relevant here. However, I do not accept that the whole plan should be found to be out-of-date.
26. Over the passage of time certain policies may lose relevance and indeed may fail to reflect changing circumstances, the housing supply policies in an area such as Cheshire East, where there has been previous undersupply and there is acknowledged to be a failure to meet objectively assessed needs, are a clear example of this. Nonetheless other policies, which have been saved, remain of value in promoting the well planned delivery of development in an area. In such cases, it is the implementation element of Annex 1 of the Framework that should be considered in relation to the weight such policies retain.
27. The protection of the countryside is one such area that can be considered to remain a constant in strategic planning terms. Policies PS8 and H6 refer to land effectively defined by PS4, which in itself is not strictly a policy for the supply of housing. They could be considered as inward facing, that is protecting the countryside on the fringes of an urban area from expansion, but mostly they are focused on retaining the intrinsic character and beauty of the countryside, by strictly controlling development to that which would require a rural location.
28. I consider that these policies do therefore have consistency with the Framework, including paragraph 17, which recognises the intrinsic character and beauty of the countryside, Section 11, conserving and enhancing the natural environment, and paragraph 55 relating to new homes in the countryside. Nonetheless, there remains a tension, as often with policies promoting supply and restraint, between these policies and the Framework's

intention to boost the supply of housing, accepting, as the Council do, that housing must occur outside of the SZLs to meet their future needs.

29. A number of previous appeal decisions were provided to suggest that the lack of a five year HLS renders a wide range of policies out-of-date³, but also ones, including from within this district, where the countryside policies have been afforded due weight⁴. Each case must be considered on its own merits and the detail of the policy framework relevant to it. In this case, I consider that Local Plan Policies PS8 and H6 should be afforded weight in accordance with their status as development plan policies.
30. Nonetheless, this cannot mean that all other considerations should be subordinate, as implied by the Council. Changing circumstances and more up-to-date national policies have relevance, and the weight of material considerations can be decisive. In this case, these would include the Framework itself and the emerging Core Strategy.
31. The Core Strategy is in development with a Preferred Options Development Strategy published in January 2013 and a Pre-Submission Draft, now published and in consultation. It has not been submitted for examination. Furthermore, Councillors and local residents have made references to the Congleton Town Strategy. While I note the support that this strategy has received, and the town of Congleton should be commended on 'grasping the nettle' in seeking to find extensive levels of new housing in the area, it would appear to be a document informing the development of the Core Strategy. It carries little weight on its own and I am conscious that the Core Strategy awaits formal examination and the Council accept that there are many objections currently to the draft provisions. Accordingly, I can only give limited weight to the emerging Core Strategy.
32. It is therefore necessary to consider whether there is harm arising from these proposals, and accordingly assess that against the material considerations, principally as set out in the Framework. I turn then to the main issues.

Character and appearance

33. As noted above, the proposed developments would be located in a finger of open land that extends from the Green Belt inwards towards the town centre and St Peter's Church. There are no landscape, heritage or biodiversity designations associated with the land, and the Council have accepted, in the SoCG, that there would be no significant effects on landscape character.
34. Although the proposals are in outline, some indicative layouts have been proposed, which incorporate open space to provide a 'soft' edge to the western sides of the appeal sites, and which indicate that protected trees and the majority of hedgerows could be retained on the sites. I am satisfied that suitable layouts could be found to ensure there would not be a significant impact on the trees covered by the relevant TPOs.
35. The strong linear features of the railway and canal, along with the golf course to the south, do separate this land somewhat from the wider landscape. However, this does not mean that there is no value to the area. This finger of

³ APP/C1760/A/13/2190103, APP/P1045/A/13/2195546, APP/J1860/A/13/2195125, APP/R0660/A/12/2173294, APP/F1610/A/11/2165778

⁴ APP/R0660/A/11/2158727, APP/R0660/A/13/2195201, APP/R0660/A/13/2189733

- open land has an important role in the setting of the town, and in particular the peaceful character and appearance of the churchyard, and the nature of the experience for users of the PROW along Lamberts Lane. For those properties backing onto the existing open fields, the open aspect is also of value.
36. Much of the land to the west of Canal Road comprises relatively recent residential estate development, and the land gradually slopes up through these estates. There is a ridge within the site of Appeal A, from where the land falls to a small valley feature and stream which runs south to north. To the western side of the stream the land rises up to the cemetery and finally to further residential development along Howey Lane and Tudor Way. The site at Appeal B is somewhat flatter, albeit with what would appear to be a spoil heap, now covered in scrub, at its entrance. To its western edge, this site has a steep slope to the valley and a more open vista out towards the countryside.
 37. I have sympathy with the concerns of local residents regarding the effect on the character of the town, and particularly the impacts on the cemetery area including its extension to the south. However, the scale of the impact of these developments must be assessed, and in this, there are differences between the two sites.
 38. Appeal A would represent an incursion into the open land, but the scale of this is limited somewhat by the presence of Highfield House and its associated buildings. Furthermore, the site has enclosure to the north and some overlap with Quayside to the south. To my mind, the principal impact would be on the cemetery. From here the appeal site is visible on the valley side, and housing here would bring the urban edge closer to this side of the cemetery.
 39. This would materially affect the character and appearance of the area here, with direct loss of open land and increased encroachment on the peaceful setting of the cemetery. Measures could be taken to strengthen the hedgerow to the western boundary, and the harm overall may be somewhat limited by the fact that existing residential development narrows the land here, and the separation to the proposed site would be similar to that existing between the cemetery and Tudor Way.
 40. Regarding the site at Appeal B, this would represent a starker intrusion into the countryside, with existing development to only the eastern boundary. However, it is further from the town and at a point where the finger of land widens noticeably; the impact on the town setting here would be limited.
 41. It would be located relatively close to Lamberts Lane, and on my site visit I appreciated the value of this route offering an accessible link into the countryside from the residential areas to the east, and from the town centre. I am sure that it is a well-used and well-loved route and it retains a strong rural character. Some views of the site would be obtained from Lamberts Lane, but the site is relatively well screened from the link running north towards the town.
 42. Nonetheless material harm would arise at this site from the direct loss of open countryside and some impact on the character of the area. However, I found that for users of Lamberts Lane, the experience looking to the east is of residential development along the ridge. Providing care is taken with the layout, the intrusion associated with the proposed development would be viewed against a backdrop of housing, and this harm could be reduced. There

would be some erosion of the rural character with potential noise and activity closer to the lane, but this would affect only a very small part of a route that originates within a residential area.

43. In conclusion, while good design could limit the impact of these proposed developments, this is a sensitive area that has value to the setting of the town. Direct harm would arise from the loss of open land and some further harm from the effects on the character of the area. The proposals would therefore conflict with Local Plan Policies PS8 and H6 in this regard.

Best and Most Versatile Agricultural Land

44. Appeal site A would appear to be in use as grazing land, but Appeal site B would not currently appear to be in agricultural use. The main parties have agreed that development of Appeal A would result in the loss of 0.7Ha of Grade 3a land, out of a total of 1.7Ha, while for Appeal B there would be a loss of 0.7Ha, out of a total of 1.8Ha. The appellant has commissioned a report which concludes that neither site would be viable for agricultural use.
45. Agricultural land is a finite resource and although no Local Plan policies relating to this matter were referred to, the Framework makes it clear that economic and other benefits of the best and most versatile land should be taken into account. Nonetheless, these are relatively small areas of land and are not associated with a larger land holding; future viable use is unlikely. Accordingly, the Council themselves have acknowledged that this matter alone would not form a reason to dismiss. I concur, in the context not only of the scale of these developments, but acknowledging the scale of land in the district available for agriculture, I consider it represents only limited weight against the proposals.

Highway Safety

46. The applications were each accompanied by Transport Statements (TS). The SoCG on Highway Matters confirms that the Council had agreed the requirements for traffic flow and junction capacity assessments, and the proposed modelling approach. There were no matters of contention between the Council and the appellant on highway matters. Although the matter of trip generation associated with the sites was questioned by other parties involved in the appeal, I am satisfied that, on the evidence before me, the appellant's estimates were robust. These were summarised as one additional vehicle every two minutes.
47. Nonetheless, considerable levels of local concern led to an independent traffic survey being carried out. A large number of written submissions from both local residents, Councillors and a local group known as Congleton Residents Against Seddon Homes (CRASH), reflected concerns and there were submissions at the Inquiry, including a detailed review from the Congleton Sustainability Group. These concerns can be divided into four elements: the immediate approach roads to the site; the impact of increased traffic on the safety of pedestrians using Canal Street to access the town; increased traffic flows compromising the operation of existing junctions; and the sustainability of the sites.
48. In terms of the estate roads, while I accept that existing residents may perceive these as, on occasions, having reduced width because of parking, they are of a width suitable for residential estates of this type. While the gradient, particularly of the section up to the access point on The Moorings, may be quite

steep, and I note concerns regarding use in winter, it does not differ significantly from many such estates both locally and nationally.

49. Junctions within the estates are suitable for the limited roads speeds there, and the accesses off Canal Road, to St Peters Road and Kestrel Close, are both through dedicated right turn lanes and are adequate to provide for any increase in traffic associated with the scheme. Concerns were raised regarding access from the estates onto Canal Road. I can see no particular issues with the St Peters Road junction, and while the visibility is somewhat less when looking right from Kestrel Close, I do not consider that there would be a material impact on highway safety here.
50. Turning to pedestrian safety, although the width of the road and pavements is adequate near to the main access points leading to the sites, and I note the proposal to improve pedestrian crossings, the situation changes heading north towards the town centre, in particular near to Burns Garage and further to the north near the Albert Square junction. The road widths and the pavement narrow, and in place the footway is to only one side of the road.
51. Many local residents have commented on this section of the road and have recounted incidents or near misses which they have seen or experienced here. I spent some time observing the actions of pedestrians and vehicles along this stretch, both at peak times and quieter times. For the most part, there is sufficient visibility for cars to note others approaching and informally give way, and I observed this behaviour during what was, I accept, only a snapshot of traffic activity. It is possible that such courteous approaches would not always take place and the road width is such that, when vehicles try to pass, they could potentially conflict with the pavement area.
52. The route is clearly well used by pedestrians, albeit I noted a number of other possible routes into the town centre, and realistically, the pavement here needs to be traversed in single file. It must be accepted that, where a pedestrian steps off the footway or where a vehicle is driven without due care, there is the potential for vehicles to come close to a pedestrian, albeit speeds are very restricted by the width and alignment of the road here. However, this is an existing problem and not that unusual close to older town centres. The question is whether the increase in traffic associated with these proposals would result in a material increase in risks to users of the road here.
53. Despite the concerns of local residents, the two proposals would not result in a significant increase in traffic on the wider road network here, and could not be considered to materially impact on this existing situation. I note the concerns about cumulative impact, but have limited information on the implications of previous developments along Canal Road. My decision is based on the increases associated solely with the proposals before me, and concurs with the findings of the highway authority, but should not be considered as any sort of precedent for further developments in the area.
54. On the wider road network, concerns were raised that the canal bridge to the south of the site had not been considered. I noted that there was some restriction here that, due to the height restriction, may result in the occasional HGV needing to cross the centre line. I do not consider that this would be a frequent issue such that the small increase in traffic from the proposals travelling in this direction, would lead to material harm to highway safety here. Other routes in the area may be used to get into, or even to bypass, Congleton

- town centre. However, the small increases associated with the schemes are unlikely to significantly exacerbate any existing queuing or congestion problems associated with these. Similarly, I do not consider that there would be any material impact on the existing congestion issues associated with other junctions around Congleton.
55. Turning to accessibility, local residents have challenged some of the suggested distances set out by the appellant to various facilities and services. They have highlighted that a number of these fail to comply with recommendations set out in a toolkit from the North West Development Agency. Sustainability, in terms of accessibility, is seldom a black and white issue. I noted a number of key facilities which I considered to be very accessible to one or other of the sites, including the primary school, the public house, the hospital and the Methodist church, which I also noted provided community activities.
56. There are good cycle links, and there are bus stops along Canal Road, and while these may not cater completely for commuting needs, they do provide alternative transport options. The town centre would be reasonably accessible from Appeal site A, and while it would be a longer walk from Appeal site B, this situation is not untypical of edge of town residential sites. While the train station is at further distance, it does present an opportunity for alternative transport choices for longer journeys. Although I note the concerns over its use for commuting, there would appear to be good connections into larger towns and cities in the wider area. Overall, I consider that there is a relatively good level of accessibility, and I note the Council accept, in the SoCG, that the developments are in a sustainable location.
57. In conclusion, I have no reason to disagree with the Council and the appellant's professional advice that the proposals would not result in a material increase in traffic so as to compromise, or significantly worsen, issues associated with the existing road network. There is therefore no conflict with Local Plan Policies GR15 and GR18, which, taken together, seek to ensure that development is acceptable in highway terms. Nor would there be conflict with the Framework, paragraph 32, which seeks that development only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Other Matters

58. I am conscious of the significant levels of local concern about development in this area, from which four further matters stood out: wildlife impacts; prematurity, in terms of the Town Strategy and Core Strategy; economic impacts, in terms of the critical mass of development needed to support the northern relief road; and localism.
59. I note that the sites do not lie within the designated wildlife corridor, which is further to the west. However, a number of references were made to protected wildlife on the sites. There were ecological surveys carried out for each site. My own observations support that, while the sites may have some value for foraging for bats, they are unlikely to have a role in terms of roosting. There is also likely to be badger activity, not only on these sites, but in the wider area.
60. Although the original surveys found evidence of some badger activity but no setts on site, I note a local resident's contention that there is at least one sett. Further survey works have been agreed to be addressed though conditions.

Badgers are not a European protected species, and I consider, in this case, that this would be acceptable, as effective mitigation can be introduced if necessary. Although there would be a loss of open land and some potential disturbance, positive landscaping and mitigation approaches, which could be secured by conditions, would result in there being no significant harm to biodiversity from these schemes.

61. I have addressed the weight arising in relation to the Town Strategy and Core Strategy above. However, I am aware that these sites, as part of a larger proposal, were considered at various stages of the development of the Town Strategy. The emerging Core Strategy indicates a need in Congleton for 24 Ha of employment land and 3,500 new homes⁵, at an average of 175 new homes each year. The Town Strategy strongly promotes the majority of this development to be to the northern side of the town, and to be delivered alongside a northern relief road, identified in the Core Strategy as the Congleton Link Road. However, the sites are within the area identified as F, which remains within this strategy. This is not reflected in the emerging Core Strategy, which indicates sites to the northern side only, although the sites and strategic locations identified would provide only 2,200 homes. It must be noted that at least three of these sites are identified as dependant on the identification of a preferred route for the link road.
62. Delivery of the link road would require significant funding, reported to be between £70 and £102 million. The time scales and difficulties involved in raising that money through developer contributions should not be underestimated. While it is not for me to reach a conclusion on the soundness of the proposals in the emerging plan, there must be questions over the deliverability of sufficient housing in the short term from these northern sites to meet the needs of Congleton. In any case, the figures set out in the emerging Core Strategy indicate that further housing would be needed from site allocations. These proposals, even taken together, do not amount to a scale of development that could be considered to compromise delivery of the emerging Core Strategy.
63. Similarly, I do not consider that they would represent a significant diversion of housing away from the strategic sites to the north of the town. Consequently, I do not consider that these schemes would compromise the contributory funding, which, it is suggested, would need to be sought in order to help to deliver the link road.
64. Many of the objectors to these proposals have suggested that the developments would not be of any benefit to the community, and such development should not be imposed on a local community against its wishes, particularly in light of the Localism Act 2011. Although the Act provides some new rights and powers for local communities, alongside the commitment to make the planning system clearer, more democratic and more effective, it does not provide local people with an outright power of veto. The views of those who oppose the project, including those of the local Member of Parliament, have been comprehensively made in writing and through the public Inquiry, and they have been taken into account. Nonetheless, such views have to be set alongside the wider social, environmental or economic benefits arising from such a scheme, and I address these below.

⁵ Policy PG6 in Pre-submission Core Strategy – November 2013.

65. I also note some local residents' concerns regarding the impact on flood risk. I am satisfied that a drainage scheme, which can be properly secured by condition, would address the risk of increased run-off from the site. Similarly, while I note concerns about the impact of construction traffic, this can be addressed through a Construction Method Statement, also secured by condition.

Other Material Considerations

66. I turn now to the other considerations that are material in this appeal.

Housing supply

67. The Council accepted that they could not demonstrate a 5 year HLS. Policies relevant to housing supply are therefore considered out-of-date. As set out above, this does not render all policies out-of-date, but it does represent a matter of substantial weight in favour of the proposals.

Affordable Housing

68. The schemes propose 30% affordable housing, to be secured through legal agreement, and I am satisfied that there is a real demand for the provision of affordable homes in the area⁶. This adds weight in favour of the proposals.

Other benefits

69. During the construction phase, there would be economic benefits to that sector, and longer term there would be benefits to the economy of the town generally. The New Homes Bonus and Council Tax returns would introduce further economic benefits. Further elements regarding the provision of open space and funding for highway improvements, are necessary parts of the schemes to respond to the planning impacts of the proposal themselves, nonetheless they may also provide some benefit to the wider community.

Contributions

70. The appellant has submitted two S106 agreements. I have considered these in light of the Framework, paragraph 204, and the statutory tests introduced by Regulation 122 of The Community Infrastructure Levy (CIL) Regulations, 2010. The legal agreements, one for each of the schemes, are between the appellant and the Council and secure matters relating to affordable housing and contributions to a range of facilities. These include a green space contribution and maintenance, a play space contribution and maintenance and an urban realm contribution.

71. I have been provided with a CIL Compliance Note, and I am satisfied that the green space, or public open space, and the play space contributions accord with Local Plan Policy GR22 and the Interim Planning Policy Note adopted in 2008. These contributions would be necessary, directly related and reasonable in scale and kind to the proposed developments.

72. Turning to the urban realm contributions, these relate to improvements to the public realm in the area of High Street and Albert Square, but images provided at the Inquiry indicate that they will also include the parts of Canal Street close to the town centre. Local Plan Policy GR19 supports the principle of

⁶ Strategic Housing Market Assessment, 2009

contributions to infrastructure improvements, and, while the direct impact on vehicular and pedestrian movements from these proposals would be limited it could be argued that each development in the area around Congleton would contribute, in a cumulative way, to increased pressure on these areas.

73. However, I have very limited information as to how the sum sought has been calculated. Therefore, while I do not question that a contribution may be necessary, I have insufficient evidence to conclude, in this case, that the amount sought is reasonable. As a result, while I conclude that the measures set out to ensure provision of affordable housing are appropriate, and those relating to play space and public open space meet the tests set out in the Framework and CIL Regulations, I can give the part of the agreements relating to the urban realm contributions little weight.

The overall planning balance

74. The Framework explains, at paragraph 12, that its existence does not change the statutory status of the development plan as the starting point for decision making. This means that a determination must be made in accordance with the development plan unless material considerations indicate otherwise. Further, at the heart of the Framework is the presumption in favour of sustainable development. For decision taking, this means that, where relevant policies of the development plan are out-of-date any adverse impacts of the development would need to significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. I have set out that I consider the relevant housing supply policies to be out-of-date. While other policies in the plan remain, I do not consider that this means that the test set out in paragraph 14 of the Framework must be set aside, rather it addresses the balance between weight in favour and against the proposals.
75. The Framework sets out three elements of sustainable development. I consider that the proposal would meet the economic role and meet the social role in part, particularly in relation to a wider choice of housing. However, its location, in terms of sustainable transport options, while generally positive, would have some implications in terms of accessibility. In terms of the environmental role, I have set out above that I consider the proposal would intrude into open countryside and have some impact on the character of the area. However, I have also noted why I do not find this harm to be substantial, nor do I find the limited loss of the best and most versatile agricultural land to be significant in this case.
76. Of greater weight, in my view, are the benefits that the proposed developments would have, which include, in particular, the significant contribution to addressing the shortfall in the Council's housing supply, and the pressing need for more affordable housing in the area. The developments are deliverable and could meet this shortfall in the short term.
77. These are proposals for housing; relevant housing policies are out-of-date and the identified harm does not significantly and demonstrably outweigh the benefits. Although there is conflict with the Development Plan, the overall balance of material considerations weigh in favour of granting planning permission.

Conditions

78. I have considered the conditions put forward for each scheme and agreed between the parties, against the requirements of Circular 11/95 – *The Use of Conditions in Planning Permissions*. For both permissions, I have applied the standard outline conditions (1, 2, 3), although in responding to the weight in favour of meeting the 5 year HLS, as agreed, I have applied a 12 month expiration period for the application of reserved matters and delivery within three years.
79. In the interest of highway safety I have required submission of access details and the proposed pedestrian refuge on Canal Road (4). In order to protect the character and appearance of the area, I have required conditions related to tree protection, an Arboricultural Method Statement (5,6,7), landscaping (8) and boundary treatment (9).
80. To address the protection and mitigation of biodiversity impacts, I have imposed conditions relating to bird nesting (10), badgers (11), and mitigation features (12). As set out above I have imposed conditions to address flood risk through a drainage strategy (13) and, in light of the access through residential estates and the proximity of residential properties, I consider it necessary to provide the condition related to a Construction Method Statement (14).
81. No significant history of contamination was reported for the site, nonetheless former uses and neighbouring activities may be of relevance, and I have therefore required consideration of contamination (15). Similarly, an archaeological programme is necessary (16). To ensure delivery in accordance with the existing nature of the site, submission of ground levels, existing and proposed, is necessary (17). To comply with the proper management of waste, a condition to ensure appropriate bin storage is necessary (18), and to promote sustainable practices I have imposed the agreed energy reduction condition (19).
82. In terms of conditions relevant to the specific schemes, for Appeal A I have added a condition to address the use of overhead power lines (20), and for Appeal B, to protect biodiversity, I have imposed a condition to maintain a buffer strip alongside the watercourse on the western boundary (20).
83. Otherwise than as set out in this decision and conditions, for the avoidance of doubt and in the interests of proper planning, it is necessary that the developments shall be carried out in accordance with the approved plans (21). Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the guidance in Circular 11/95, and these are set out in Annex 1 and Annex 2 to this decision respectively.

Conclusion

84. For the reasons given above and having regard to all other matter raised, including appeal decision not specifically referenced in this decision, I conclude that the appeal should be allowed.

Mike Robins

INSPECTOR

ANNEX 1

Appeal A : Schedule of Conditions

- 1) Details of the siting, design, landscaping and appearance (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Applications for approval of all reserved matters (as defined in Condition 1) must be made not later than the expiration of 12 months beginning with the date of this permission.
- 3) The development hereby approved shall commence not later than two years from the date of the approval of the last of the reserved matters, or three years from the date of this planning permission, whichever is the later.
- 4) No part of the development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - i) The proposed site access (as shown on Drawing reference: 3445/15); and
 - ii) The pedestrian refuge on Canal Road (as shown on Drawing reference: 0011.05).

Details shall include measures for construction and drainage of the means of access (including any proposed internal estate roads); the layout of and proposed ground levels. The development shall be implemented in accordance with the approved details prior to first occupation.

- 5) No development, including the setting up of compounds, delivery of materials and access by machinery or plant, shall commence until a Tree Removal Plan and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority (hereinafter called the approved protection scheme). The approved protection scheme will show trees and hedges for removal and retention, will be produced according to BS5837:2012 and will be based on the proposed layout of the development or any phase thereof. No tree will be damaged, felled or pruned other than as expressly permitted by the approved protection scheme. No development or other operations shall take place until tree protection fencing and/or temporary ground protection has been installed according to the approved protection scheme. No access or works will be permitted within a protected area unless they are required in fulfilment of an approved Arboricultural Method Statement. The approved tree protection fencing and/or temporary ground protection shall remain intact for the duration of the development phase or unless required by an approved Arboricultural Method Statement.
- 6) No development shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved Method Statement. Such a Method

Statement shall be based on a Tree Removal Plan and Tree Protection Plan according to BS5837:2012 and shall include the following:

- i) A specification for tree and hedgerow removal and pruning according to BS5837:2012;
 - ii) A design, specification and methodology for all works that are proposed within a protected area, as defined by the approved Tree Protection Plan and that have the potential to harm any retained tree or hedgerow, such that all works can be completed without prejudice to the condition or longevity of any such tree/s or hedgerow;
 - iii) Timing and phasing of Arboricultural works in relation to the approved development; and
 - iv) A schedule of supervision, monitoring and sign-off for proposed pruning, felling, installation of tree protection fencing, installation of temporary ground protection and special construction methods.
- 7) No trees, shrubs or hedges within the site, which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 8) The reserved matters shall include a Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including all areas of open space other than domestic gardens, which shall be submitted to and approved by the Local Planning Authority prior to first occupation of any part of the development. The Management Plan shall be implemented as approved.
- 9) The reserved matters shall include details of the boundary treatments to each property to be approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the boundary treatment associated with that property has been implemented in accordance with the approved details.
- 10) No clearance of vegetation shall be carried out during the bird nesting season (March to August inclusive) unless and until a breeding bird survey is undertaken and submitted to and approved in writing by the Local Planning Authority, to establish whether the site is used for nesting birds. Should the survey reveal the presence of nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified unless in accordance with a mitigation scheme previously submitted to and agreed in writing by the Local Planning Authority.
- 11) Prior to submission of reserved matters, an updated survey will be undertaken at the appropriate time, by a suitably qualified person, for the presence of badgers, and shall be submitted to and approved, together with details of any mitigation measures, by the Local Planning Authority. The submission of reserved matters shall be informed by the presence of badgers and any mitigation measures required. The

development shall be carried out in accordance with the updated information and mitigation strategy.

- 12) No development shall commence unless and until detailed proposals, for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The features shall be permanently installed in accordance with the approved details and retained thereafter.
- 13) No development shall commence unless and until a strategy outlining the general system of drainage for foul and surface water flows from the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of how surface water run-off generated by the development will be controlled, the use of Sustainable Drainage measures (SUDS) and a scheme for managing the risk of flooding from overland flow of surface water. The approved details shall thereafter be implemented prior to occupation of any development hereby permitted.

The site shall be drained on a separate system with only foul drainage connected into the foul sewer.

- 14) Prior to the commencement of development, the applicant shall submit a Construction Method Statement, to be approved in writing by the Local Planning Authority. The construction work shall be undertaken in accordance with the approved Construction Method Statement.

The Construction Method Statement shall include the following details:

- i) Details of the method, timing and duration of any piling used during construction (including expected starting date and completion date)
- ii) The hours of work, which shall not exceed the following:
Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working on Sundays or Bank Holidays
Pile driving shall be restricted to 08:30 to 17:30 hours Monday to Friday, 09:30 to 13:00 hours Saturday, with no working on Sundays or Bank Holidays
- iii) Prior notification to the occupiers of potentially affected properties
- iv) Details of the responsible person (e.g. site manager/office) who could be contacted in the event of a complaint
- v) A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase.
- vi) A Construction Management Plan, which shall include full site compound details (including parking details for contractors/site storage compound, site offices and wheel washing facilities) for the duration of the development within the site edged red.
- vii) Details of routing for construction vehicles to and from the site

The development shall be carried out in accordance with the approved Construction Method Statement.

- 15) No development shall commence unless and until a Phase II Contamination investigation has been undertaken and the results submitted to and approved in writing by the Local Planning Authority. If the Phase II investigation indicates that remediation is necessary, then a Remediation Strategy shall be submitted to the Local Planning Authority for its approval in writing. The remediation scheme in the approved remediation strategy shall then be carried out. If remediation is required, a site completion report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any part of the development hereby approved.
- 16) No development shall commence unless and until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.
- 17) Reserved matters shall include details of existing and proposed ground levels. The approved details shall be implemented in full.
- 18) Reserved matters shall include details of bin storage for all properties. The approved storage for each property shall be provided prior to first occupation of that property and shall thereafter be retained.
- 19) The approved scheme shall secure a reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies). A report confirming the achievement of specified design fabric shall be submitted to and agreed in writing prior to the commencement of development. The development shall be implemented in accordance with the approved details.
- 20) The development shall not be services in a manner that includes the use of overhead power lines.
- 21) The development hereby permitted shall be carried out in accordance with the details contained within the following plans: Location plan 3445/12, Access/Site plan 3445/14, Parameters plan 641/MOR/001 Rev B.

ANNEX 2

Appeal B : Schedule of Conditions

- 1) Details of the siting, design, landscaping and appearance (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Applications for approval of all reserved matters (as defined in Condition 1) must be made not later than the expiration of 12 months beginning with the date of this permission.
- 3) The development hereby approved shall commence not later than two years from the date of the approval of the last of the reserved matters, or three years from the date of this planning permission, whichever is the later.
- 4) No part of the development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - i) The proposed site access (as shown on Drawing reference: 3445/15); and
 - ii) The pedestrian refuge on Canal Road (as shown on Drawing reference: 0011.05).

Details shall include measures for construction and drainage of the means of access (including any proposed internal estate roads); the layout of and proposed ground levels. The development shall be implemented in accordance with the approved details prior to first occupation.

- 5) No development, including the setting up of compounds, delivery of materials and access by machinery or plant, shall commence until a Tree Removal Plan and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority (hereinafter called the approved protection scheme). The approved protection scheme will show trees and hedges for removal and retention, will be produced according to BS5837:2012 and will be based on the proposed layout of the development or any phase thereof. No tree will be damaged, felled or pruned other than as expressly permitted by the approved protection scheme. No development or other operations shall take place until tree protection fencing and/or temporary ground protection has been installed according to the approved protection scheme. No access or works will be permitted within a protected area unless they are required in fulfilment of an approved Arboricultural Method Statement. The approved tree protection fencing and/or temporary ground protection shall remain intact for the duration of the development phase or unless required by an approved Arboricultural Method Statement.
- 6) No development shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in complete

accordance with the approved Method Statement. Such a Method Statement shall be based on a Tree Removal Plan and Tree Protection Plan according to BS5837:2012 and shall include the following:

- i) A specification for tree and hedgerow removal and pruning according to BS5837:2012;
 - ii) A design, specification and methodology for all works that are proposed within a protected area, as defined by the approved Tree Protection Plan and that have the potential to harm any retained tree or hedgerow, such that all works can be completed without prejudice to the condition or longevity of any such tree/s or hedgerow;
 - iii) Timing and phasing of Arboricultural works in relation to the approved development; and
 - iv) A schedule of supervision, monitoring and sign-off for proposed pruning, felling, installation of tree protection fencing, installation of temporary ground protection and special construction methods.
- 7) No trees, shrubs or hedges within the site, which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 8) The reserved matters shall include a Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including all areas of open space other than domestic gardens, which shall be submitted to and approved by the Local Planning Authority prior to first occupation of any part of the development. The Management Plan shall be implemented as approved.
- 9) The reserved matters shall include details of the boundary treatments to each property to be approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the boundary treatment associated with that property has been implemented in accordance with the approved details.
- 10) No clearance of vegetation shall be carried out during the bird nesting season (March to August inclusive) unless and until a breeding bird survey is undertaken and submitted to and approved in writing by the Local Planning Authority, to establish whether the site is used for nesting birds. Should the survey reveal the presence of nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified unless in accordance with a mitigation scheme previously submitted to and agreed in writing by the Local Planning Authority.
- 11) Prior to submission of reserved matters, an updated survey will be undertaken at the appropriate time, by a suitably qualified person, for the presence of badgers, and shall be submitted to and approved, together with details of any mitigation measures, by the Local Planning Authority. The submission of reserved matters shall be informed by the

presence of badgers and any mitigation measures required. The development shall be carried out in accordance with the updated information and mitigation strategy.

- 12) No development shall commence unless and until detailed proposals, for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The features shall be permanently installed in accordance with the approved details and retained thereafter.
- 13) No development shall commence unless and until a strategy outlining the general system of drainage for foul and surface water flows from the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of how surface water run-off generated by the development will be controlled, the use of Sustainable Drainage measures (SUDS) and a scheme for managing the risk of flooding from overland flow of surface water. The approved details shall thereafter be implemented prior to occupation of any development hereby permitted.

The site shall be drained on a separate system with only foul drainage connected into the foul sewer.

- 14) Prior to the commencement of development, the applicant shall submit a Construction Method Statement, to be approved in writing by the Local Planning Authority. The construction work shall be undertaken in accordance with the approved Construction Method Statement.

The Construction Method Statement shall include the following details:

- i) Details of the method, timing and duration of any piling used during construction (including expected starting date and completion date)
- ii) The hours of work, which shall not exceed the following:
Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working on Sundays or Bank Holidays
Rile driving shall be restricted to 08:30 to 17:30 hours Monday to Friday, 09:30 to 13:00 hours Saturday, with no working on Sundays or Bank Holidays
- iii) Prior notification to the occupiers of potentially affected properties
- iv) Details of the responsible person (e.g. site manager/office) who could be contacted in the event of a complaint
- v) A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase.
- vi) A Construction Management Plan, which shall include full site compound details (including parking details for contractors/site storage compound, site offices and wheel washing facilities) for the duration of the development within the site edged red.
- vii) Details of routing for construction vehicles to and from the site

The development shall be carried out in accordance with the approved Construction Method Statement.

- 15) No development shall commence unless and until a Phase II Contamination investigation has been undertaken and the results submitted to and approved in writing by the Local Planning Authority. If the Phase II investigation indicates that remediation is necessary, then a Remediation Strategy shall be submitted to the Local Planning Authority for its approval in writing. The remediation scheme in the approved remediation strategy shall then be carried out. If remediation is required, a site completion report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any part of the development hereby approved.
- 16) No development shall commence unless and until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.
- 17) Reserved matters shall include details of existing and proposed ground levels. The approved details shall be implemented in full.
- 18) Reserved matters shall include details of bin storage for all properties. The approved storage for each property shall be provided prior to first occupation of that property and shall thereafter be retained.
- 19) The approved scheme shall secure a reduction in energy use through a building fabric first approach (enhanced insulation or construction technologies). A report confirming the achievement of specified design fabric shall be submitted to and agreed in writing prior to the commencement of development. The development shall be implemented in accordance with the approved details.
- 20) Reserved matters shall include details of a scheme for the provision and management of a 5m buffer zone alongside the watercourse. The scheme shall be free from built development including lighting, domestic gardens and formal landscaping and include details of its extent and layout; proposed planting (for example native species); and how it will be protected during construction. The development shall be carried out in accordance with the approved scheme, and retained thereafter.
- 21) The development hereby permitted shall be carried out in accordance with the details contained within the following plans: Location plan 3445/13, Access/Site plan 3445/15, Parameters plan 641/GOL/001 Rev B

CORE DOCUMENTS

CD1 - Planning Application Documentation	
CD1.1	Planning Application Submission (submitted 2 August 2012) - Land off The Moorings
CD1.1.1	Application Forms
CD1.1.2	Location Plan
CD1.1.3	Indicative Site Layout Plan
CD1.1.4	Site Plan
CD1.1.5	Block Plan
CD1.1.6	Agricultural Land Classification Report
CD1.1.7	Draft Heads of Terms
CD1.1.8	Drainage Assessment
CD1.1.9	Climate Change and Sustainability Statement
CD1.1.10	Design and Access Statement
CD1.1.11	Desk Based Study Assessment Report
CD1.1.12	Ecological Appraisal
CD1.1.13	Transport Statement
CD1.1.14	Tree Survey
CD1.1.15	Utility Study
CD1.1.16	Flood Risk Assessment
CD1.1.17	Heritage Desk Based Assessment
CD1.1.18	Planning Statement
CD1.1.19	Statement of Community Involvement
CD1.2	Planning Application Submission (submitted 2 August 2012) - Land off Goldfinch Close and Kestrel Close
CD1.2.1	Application Forms
CD1.2.2	Location Plan
CD1.2.3	Indicative Site Layout Plan
CD1.2.4	Site Plan
CD1.2.5	Block Plan
CD1.2.6	Agricultural Land Classification Report
CD1.2.7	Draft Heads of Terms
CD1.2.8	Drainage Assessment
CD1.2.9	Climate Change and Sustainability Statement
CD1.2.10	Design and Access Statement
CD1.2.11	Desk Based Study Assessment Report
CD1.2.12	Ecological Appraisal
CD1.2.13	Transport Statement
CD1.2.14	Tree Survey
CD1.2.15	Utility Study
CD1.2.16	Flood Risk Assessment
CD1.2.17	Heritage Desk Based Assessment
CD1.2.18	Planning Statement
CD1.2.19	Statement of Community Involvement
CD1.3	Additional Plans and Documents submitted to the Council post-submission - Land off The Moorings
CD1.3.1	Agricultural Land Classification Report (dated 7 September 2012)
CD1.3.2	Envirotech Response on Barn Owls (dated 17 October 2012)
CD1.3.3	Air Quality Assessment (dated 23 October 2012)

CD1.3.4	Letter from Indigo to CEC regarding re-location of livestock (dated 22 November 2012)
CD1.3.5	Tree Report (letter) (dated 22 November 2012)
CD1.3.6	Indigo Note on Deliverability (dated 22 November 2012)
CD1.3.7	Ecology Survey (dated 22 November 2012)
CD1.3.8	DAS Addendum (dated 22 November 2012)
CD1.3.9	Draft HOTs (dated 23 November 2012)
CD1.4	Additional Plans and Documents submitted to the Council post-submission - Land off Goldfinch Close and Kestrel Close
CD1.4.1	Agricultural Land Classification Report (dated 7 September 2012)
CD1.4.2	Envirotech Response on Barn Owls (dated 17 October 2012)
CD1.4.3	Air Quality Assessment (dated 23 October 2012)
CD1.4.4	Indigo Note on Deliverability (dated 22 November 2012)
CD1.4.5	Ecology Survey (dated 22 November 2012)
CD1.4.6	DAS Addendum (dated 22 November 2012)
CD1.4.7	Draft HOTs (dated 23 November 2012)
CD1.5	Report to Strategic Planning Board (5 December 2012) and subsequent Report to Strategic Planning Board (22 May 2013)
CD1.6	Minutes of Strategic Planning Board (5 December 2012) and subsequent Minutes of Strategic Planning Board (22 May 2013)
CD2 – Planning Policy and Evidence Base Documents	
CD2.1	HM Treasury 'Plan for Growth' (March 2011)
CD2.2	Ministerial Statement by Mr Greg Clarke 'Planning for Growth' (23 March 2011)
CD2.3	Laying the Foundations: A Housing Strategy for England (November 2011)
CD2.4	National Planning Policy Framework (March 2012)
CD2.5	Ministerial Written Statement by Rt Hon Eric Pickles on Housing and Growth (September 2012)
CD2.6	Budget Statement (20 March 2013)
CD2.7	Extract from North West Regional Spatial Strategy (Policy L4) (2008)
CD2.8	Congleton Borough Local Plan First Review (2005)
CD2.9	Congleton Borough Preferred Options Site Allocations Paper for consultation (2007) Not Provided
CD2.10	Secretary of State Directive (Saved Policies) Letter (25 January 2008)
CD2.11	Interim Planning Policy on the Release of Housing Land (February 2011)
CD2.12	Revised Interim Planning Policy on the Release of Housing Land (May 2012) and accompanying Report to Committee (24 October 2012)
CD2.13	Interim Planning Statement on Affordable Housing (February 2011) and accompanying Report to Committee (24 February 2011)
CD2.14	Cheshire East Local Plan: Shaping Our Future A Development Strategy Jobs and Sustainable Communities (January 2013)
CD2.15	Cheshire East Local Plan: Shaping Our Future Policy Principles (January 2013)
CD2.16	Cheshire East Local Plan: Shaping Our Future A Development Strategy for Jobs and Sustainable Communities, Possible Additional Sites (May 2013)
CD2.17	Draft Congleton Town Strategies (January 2012 and March 2012)
CD2.18	Draft Congleton Town Strategy: Full Report of Consultation Findings (2012)
CD2.19	Adopted Town Strategy (August 2012)
CD2.20	Strategic Housing Market Assessment (2010) Not provided
CD2.21	Strategic Housing Land Availability Assessment (2013) Not provided
CD2.22	Strategic Housing Land Availability Assessment (2012) Not provided

CD2.23	Letter from Tim Claxton Property regarding Cheshire East Housing Market Strength and Potential (18 June 2013)
CD2.24	Regional Spatial Strategy for the North West (2008) Not provided
CD2.25	Strategic Housing Market Assessment (2013) Not provided
CD2.26	Planning Policy Guidance 3 (PPG3)
CD2.27	Planning Policy Guidance 7 (PPG7)
CD3 – Background Appeal Documents/Appeal Correspondence	
CD3.1	Appeal Form and Grounds of Appeal (29 November 2012)
CD3.2	Appellant Hearing Statement (5 March 2013)
CD3.3	LPA Hearing Statement (5 March 2013)
CD3.4	Letter from PINS requesting additional information relating to SHLAA and housing policy (3 May 2013)
CD3.5	Letter from CEC to PINS requesting upgrade to Inquiry (3 May 2013)
CD3.6	Appellant Letter to PINS asking that LPA's request to delay and upgrade hearing to Inquiry is dismissed (3 May 2013)
CD3.7	Appellant letter to CEC (7 May 2013)
CD3.8	Letter from PINS to confirm upgrade to Inquiry and cancellation of hearing arrangements scheduled for 28 May 2013 (14 May 2013)
CD3.9	Letter from CEC (Rachel Goddard) to PINS requesting consideration of publication of new CEC SHLAA when determining appeals in Cheshire East (23 May 2013)
CD3.10	Letter from PINS (Ben Linscott) to CEC (Rachel Goddard) regarding appeals in Cheshire East affected by the SHLAA (31 May 2013)
CD3.11	Letter from CEC (Rachel Goddard) to PINS (Eleanor Church) in response to Ben Linscott's letter regarding NLP's comments (6 June 2013)
CD3.12	Appellant Statement of Case (3 July 2013)
CD3.13	LPA Statement of Case (10 July 2013)
CD3.14	Planning Statement of Common Ground (November 2013)
CD3.15	Highways Statement of Common Ground (November 2013)
CD4 – Additional Documents	
CD4.1	Falcon Rise Illustrative Layout Plan
CD4.2	Officer's Report to Strategic Planning Board on 26 September 2013
CD4.3	Cheshire East Local Plan: Pre-submission Core Strategy (November 2013)

INQUIRY DOCUMENTS

1	Council letters of notification – dated 1 November 2013
2	Rebuttal proof of Evidence – Mr Stock
3	Statement – Councillor Mason
4	Appellant's opening statement
5	Council's opening statement
6	Tree preservation Order 1986
7	Statement – Mr Jones
8	Statement – Councillor Baxendale
9	Statement – Councillor Bates
10	Statement - councillor Brown
11	Draft S106 Agreement

12	CIL Compliance Note
13	Agreed conditions
14	Statement – Mr Minshull
15	Local transport Plan - extract
16	Statement - Mr White
17	Congleton Urban Realm Improvements - extract
18	Local Plan Policy GR22 and Interim Policy Note – <i>Public Open Space for New Residential Development</i>
19	Certified Copies – S106 Agreements
20	Council’s closing statement
21	London and Clydesdale Estates Ltd v Aberdeen DC [1979] UKHL 7 (8 November 1979)
22	Appellant’s closing statement
23	Tesco Stores Ltd v Dundee City Council [2012] UKSC 13
24	Regina v Rochdale Metropolitan Borough Council CO/3702/98
25	Appellant’s notes relating to cost application
26	High Court Judgement – Cotswold DC and SoS. Case Nos CO/3629/2013, CO/3626/2013 and CO/7880/2013.
27	Council response to High Court Judgement.

Richborough Estates