



Appeal Decisions

Inquiry opened on 21 April 2015

by Richard Clegg BA(Hons) DMS MRTPI

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

Decision date: 07 August 2015

Appeal A: APP/R0660/A/14/2221324

Land west of Padgbury Lane (north), Congleton, Cheshire, CW12 4LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs L Williams and Mrs K Ford against the decision of Cheshire East Borough Council.
 - The application Ref 13/4219C, dated 4 October 2013, was refused by notice dated 30 April 2014.
 - The development proposed is up to 120 dwellings, up to 180m² of health-related development (use class D1), community facilities and associated infrastructure.
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Appeal B: APP/R0660/A/14/2221325

Land west of Padgbury Lane (south), Congleton, Cheshire, CW12 4LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by the Northern Property Investment Company Ltd against the decision of Cheshire East Borough Council.
 - The application Ref 13/4216C, dated 4 October 2013, was refused by notice dated 30 April 2014.
 - The development proposed was originally described as 'up to 180 dwellings, community facilities and associated infrastructure'.
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Decisions

1. Appeal A is allowed and outline planning permission is granted for up to 120 dwellings, up to 180m² of health-related development (use class D1), community facilities and associated infrastructure on land west of Padgbury Lane (north), Congleton, Cheshire, CW12 4LR, in accordance with the terms of the application, Ref 13/4219C, dated 4 October 2013, subject to the conditions in schedule A.
2. Appeal B is allowed and outline planning permission is granted for up to 150 dwellings, community facilities and associated infrastructure on land west of Padgbury Lane (south), Congleton, Cheshire, CW12 4LR, in accordance with the terms of the application, Ref 13/4216C, dated 4 October 2013, subject to the conditions in schedule B.

Procedural matters

3. The inquiry sat for five days: 21-24 and 28 April 2015. I carried out a visit to the A34 corridor through Congleton on 22 April during the morning peak period, and again on 29 April when visits to the appeal sites and the

surrounding area also took place. A pre-inquiry meeting had been held previously on 3 March 2015. The main parties prepared a set of core documents (CD) which are listed separately from this decision.

4. The appeal sites are adjacent areas of land, and on the application forms the location of each is given as land west of Padgbury Lane. At the pre-inquiry meeting it was agreed that appeal site A should be identified as *land west of Padgbury Lane (north)* and that appeal site B should be identified as *land west of Padgbury Lane (south)*. Prior to the determination of the planning application for proposal B, the scheme was amended to refer to up to 150 dwellings. It was agreed at the pre-inquiry meeting that the description of development should reflect the amended scheme considered by the Council, and I have considered appeal B on the basis of a proposal for *up to 150 dwellings, community facilities and associated infrastructure*.
5. The applications were submitted in outline form, with approval sought for access at this stage. Individual illustrative parameters plans¹ accompanied the applications, and a masterplan, feasibility layout and framework plan for both sites were submitted with the Appellants' evidence for the inquiry². Plans were submitted with the planning statement of common ground (CD C27), which show the access details overlain on the topographical survey³. These plans do not involve any alterations to the three proposed accesses. I have taken all of these plans into account in considering the appeal.
6. Both planning applications were refused for reasons concerning the location of the sites in the open countryside and the loss of the best and most versatile agricultural land. The third reason for refusal for proposal A referred to insufficient information concerning the access on Padgbury Lane, and the third reason for refusal in respect of proposal B to the potential effect of footways on trees of amenity value. The reasons concerning the open countryside location of the sites and agricultural land quality also stated that the Local Planning Authority could demonstrate a five years supply of housing land. In February 2015, the Council considered its approach to the appeals. It decided not to pursue the reasons for refusal in respect of the adequacy of information for the site access (No 3, appeal A) and of the potential effect on trees (No 3, appeal B), nor to contest matters relating to the five years housing land supply⁴.
7. The Council resolved to defend the appeals on the following grounds:

The proposed residential development is unsustainable because it is located within the open countryside, contrary to Policy PS8 of the Congleton Borough Local Plan First Review 2005, Policy PG5 of the Cheshire East Local Plan Strategy – Submission Version 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 and (sic) creates harm to interests of acknowledged importance. Furthermore, the proposal would result in loss of the best and most versatile agricultural land. The use of the best and most versatile agricultural land is inefficient and contrary to Policy SE2 of the Cheshire East Local Plan Strategy – Submission

¹ Appeal A – plan ref 5299-L-101 rev E; appeal B- plan ref 5299-L-103 rev K.

² The masterplan, feasibility layout and framework plan are included in Appendix 2 to Mr Rech's proof of evidence: the framework plan is a composite of the individual parameters plans.

³ Appeal A – plan ref A079521-P035; appeal B – plans refs A079521-P036 & P037.

⁴ The decision records and accompanying reports are at CDs C25 & C26.

Version and the provisions of the National Planning Policy Framework. In the overall planning balance these environmental impacts are considered to substantially and demonstrably outweigh the economic and social benefits of the boost to housing land supply.

In the event that the developer does not agree to S106 highways contributions to contest the appeal on the basis of impact on highway safety and traffic generation.

8. Following validation of the appeals, the Appellants submitted duplicate outline planning applications. Planning permission was refused in February 2015, and the reasons included reference to prematurity in respect of the emerging Cheshire East Local Plan Strategy and an adverse cumulative impact on ecology and protected species⁵. Insofar as the appeal proposals are concerned, the main parties have agreed in the planning statement of common ground that no issues are raised in respect of prematurity, and that, subject to conditions, the proposals are considered to be acceptable in relation to ecological and biodiversity matters.
9. The Appellants had elected to submit an environmental statement which covered both schemes. The adequacy of the environmental statement was not disputed by the Council, and I have no reason to take a different view. Separate planning obligations in the form of unilateral undertakings were submitted in respect of schemes A and B (Documents A8 and A7). Both obligations are concerned with phasing of the developments, affordable housing, the provision and retention of open space, and financial contributions in respect of education, bus stops, a travel plan and highways. The obligation submitted in respect of appeal A would also safeguard part of that site for use as a medical centre.
10. The Council and the Appellants presented their cases at the inquiry on the basis of an overall proposal for up to 270 dwellings and associated development. In addition to a single environmental assessment, the Appellants prepared a landscape and visual impact assessment and a transport assessment in respect of the combined proposals, and the Council also modelled highways matters in respect of the combined schemes. I have adopted the same approach to these appeals and considered them together.
11. Proofs of evidence were prepared by each of the witnesses identified for the Appellants at the pre-inquiry meeting. In the event, however, three of the prospective witnesses were not called to appear at the inquiry. The proofs of evidence of Mr Nicol concerning housing need, Mr Lomas concerning housing land supply, and Mr Reeve concerning agricultural land quality remain as written representations, but as they have not been tested by cross-examination the weight that they carry is reduced.

Main Issues

12. I consider that the main issues in this appeal are:

- (i) Whether the appeal proposals represent sustainable forms of development, having regard to their location in the countryside.

⁵ The decision notices are at CD C2.2 (site A) and CD C3.3 (site B).

- (ii) The effect of the proposed developments on the character and appearance of the area.
- (iii) The effect of the proposed developments on traffic movement and highway safety.
- (iv) The effect of the proposed developments on agricultural land.
- (v) The effect of other considerations, including housing land supply, on the overall planning balance.

The proposals

13. The appeal sites comprise 13.65ha of grassland (site A is about 5.45ha and site B about 8.2ha) at the western edge of the built-up area of Congleton. Much of the sites comprise best and most versatile agricultural land, as defined in the National Planning Policy Framework (NPPF). A group of buildings along Manor House Lane, including a public house/ restaurant and several dwellings, lies between the sites, beyond which they share a boundary down to Loach Brook. Up to 120 dwellings are proposed on site A and up to 150 dwellings on site B. Both schemes envisage a mix of properties, ranging in size from two to five bedrooms. Affordable housing would be provided at the level of 30%. Proposal A includes provision for health-related development, and the masterplan shows a location for a potential medical centre close to the frontage of Padgbury Lane and the access road. Vehicular accesses would be taken from Padgbury Lane: there would be one into site A, and separate accesses towards the northern and southern ends of the frontage of site B. The masterplan and framework plan indicate areas of open space within the sites, and particularly alongside Loach Brook which forms the west and south-west boundaries.

Planning policies

The Local Plan

14. The Development Plan includes the saved policies of the Congleton Borough Local Plan First Review, which was adopted in 2005. In its original form, the Local Plan covered the period 1986-2001, and the plan period of the Review extended up to 2011. For the purpose of land availability monitoring, the end date was taken as 30 June 2011. Policy H1 reflected the requirement of the former Cheshire 2011 Replacement Structure Plan for the provision of about 3,800 dwellings in the period mid-1996 to mid-2011. It is common ground between the main parties that the Local Plan is out of date in respect of housing requirements⁶.
15. Policy PS4 identifies Congleton as a town, which is defined by a settlement zone line on inset map No 1 of the Local Plan. Both of the appeal sites lie immediately outside the settlement zone line and they are in the open countryside. Policy PS8 restricts development in the open countryside: amongst the categories which may be acceptable are new dwellings which accord with Policy H6. That policy explains that residential development will not be permitted in the open countryside unless it involves meeting a locational requirement for a rural enterprise, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or redevelopment of

⁶ Paragraph 7.6 (pg 17) of the planning statement of common ground (CD C27).

an employment site, limited development within the infill boundary line of settlements in the open countryside, or affordable housing in the rural parishes. Development proposals should respect or enhance the landscape character of the area (Policy GR5). In particular, development should not be permitted which would impact adversely on landscape character, unacceptably obscure views, or unacceptably lessen the visual impact of significant landscape features.

16. Under Policy GR9, developments which require access, servicing or parking facilities should only be permitted where, amongst other considerations, there would be adequate and safe provision for access and egress. Additionally, proposals should not worsen traffic problems to an unacceptable level, or they should include measures or a developer contribution to overcome any deficiencies in the transport network resulting from the development (Policy GR18). Policy GR19 stipulates that development proposals should make adequate provision for consequential infrastructure requirements. The inset map shows that site A and the northern part of site B lie within the Jodrell Bank Radio Telescope Consultation Zone. Under Policy PS10, development will not be permitted which would impair the efficiency of the radio telescope: the Council does not suggest that there would be any conflict with this policy.

The emerging Local Plan Strategy

17. The Council is preparing the Cheshire East Local Plan Strategy (LPS). The emerging LPS was submitted for examination in May 2014, but following identification by the Inspector of a serious mismatch between its economic and housing strategies and shortcomings in the objective assessment of housing need, the examination was suspended to enable additional work to be undertaken covering housing needs, amongst other matters. The planning statement of common ground (dated March 2015) explained that this work was ongoing, and that the Council expected to report back to the Inspector between April and June 2015.
18. Policy PG 2 sets out a settlement hierarchy, in which Congleton is included in the second level of key service centres. The broad level of development for settlements is given in Policy PG 6: Congleton is expected to accommodate in the order of 24ha of employment land and 3,500 new homes. In developments of 15 or more homes in key service centres, Policy SC 5 seeks the provision of at least 30% of units as affordable dwellings. Policy PG 5 is concerned with the open countryside, and the accompanying justification explains that the spatial extent of the open countryside is as defined in the saved policies of the previous Local Plans, other than where specific changes are proposed in the emerging LPS. Within this area the policy seeks to restrict development to that which is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, works by public service authorities or statutory undertakers, or other uses appropriate to a rural area. The policy refers to certain exceptions, but those concerning the construction of new housing only involve the infilling of a small gap in a built-up frontage, a dwelling which would be exceptional in terms of design and sustainability, and the replacement of an existing dwelling.
19. Policy SE 2 promotes the efficient use of land. The fourth part of this policy requires that development should safeguard natural resources, including high quality agricultural land, defined as that within grades 1, 2 and 3a. The

emerging LPS has yet to complete the examination stage of its preparation and it is subject to objections, including the omission of the appeal sites as land that should be allocated for housing. These factors diminish the weight of the policies included in the emerging LPS.

The proposed Neighbourhood Plan

20. The appeal sites lie within the area designated for the preparation of the Congleton Neighbourhood Plan (Document G3). At the inquiry, I heard that, whilst some evidence has been gathered, no documentation had been published as part of the preparation of the Neighbourhood Plan.

Reasons

Development in the countryside

21. The appeal sites lie within the open countryside, as defined by the settlement zone line for Congleton. Policies PS8 and H6 of the Local Plan restrict development in the open countryside: it is common ground between the main parties that the proposals conflict with these policies since they do not comprise any of the forms of development which may be acceptable thereunder. Whilst the restrictions on new development differ somewhat, Policy PG 5 of the emerging LPS carries forward the objective to safeguard the countryside, which is consistent with the fifth core land-use planning principle in paragraph 17 of the NPPF. Each of the proposals, for up to 120 dwellings on site A and up to 150 dwellings on site B, would represent a relatively large development in the countryside on the edge of Congleton, emphasising the conflict with Policies PS8 and H6 in the Development Plan.
22. Both the Local Plan and the emerging LPS envisage further development at Congleton. The justification to Policy PS3 of the Local Plan, which sets out the settlement hierarchy, explains that continued growth within the urban areas of the towns and expansion only where necessary to meet identified needs would be appropriate. Paragraph 2.62, which relates to Policy PS4, makes clear that a purpose of the settlement zone lines is to concentrate development within or adjacent to settlements, allowing for sufficient growth to meet future land use needs for the plan period. That period expired in mid 2011. The town is identified as a key service centre in the emerging LPS. Although the LPS has not yet completed its examination and is the subject of objections, provision will need to be made for development up to 2030. In response to my questions, the Council's planning witness anticipated that the settlement boundary line would need to be adjusted at Congleton to provide for housing land requirements, and that provision would need to be made for at least the 3,500 new homes referred to in Policy PG 6 of the emerging LPS. The scale of the appeal proposals is relatively large, but it only represents a limited proportion of the amount of housing development likely to be required during the new plan period.
23. Although the sites on Padgbury Lane are in the open countryside, they are adjacent to the existing built-up area of the town. Plans in the transport assessments show that a variety of facilities and services are within a distance of 1km⁷: these include the West Heath Centre where there are a number of shops, at least one primary school, a secondary school and a convenience store

⁷ Plans 4.1 in CDs A9 and B9. There are two primary schools within 1km of site A.

and filling station on Padgbury Lane close to site B. All of these facilities are within an acceptable walking distance of the site. The wider range of services in the town centre is just over 2km from the sites. This distance is capable of being covered by bike, and the town centre can also be reached by bus. There is an hourly service from Sandbach Road to the north of the sites⁸. From site A the nearest stops are within the 400m guideline maximum distance in the Institution of Highways & Transportation publication *Guidelines for Planning for Public Transport in Developments*. The distances are greater from site B, and have been measured by the West Heath Action Group (WHAG) as 625m and 650m. However the Sustainable Appraisal Report for the Cheshire East Local Plan refers to accessibility to a public transport route from up to 800m, and the distances given to the nearest bus stops from site B fall well below this threshold. A bus service between Congleton and Kidsgrove runs through the existing housing area to the east of Padgbury Lane on a hail and ride basis⁹, although there are only four journeys in each direction from Monday to Friday. Several employment sites to the north of the town centre are within 2km of the Appellants' land, and could be reached by cycling or a journey involving an element of bus travel. In 2012 planning permission was granted on appeal for up to 200 dwellings at Loachbrook Farm, which is also on this side of Congleton, and a relatively short distance to the north-west of site A (CD C21.1). I note that the Inspector concluded that that site was in a sustainable location, with reasonable access to local services and facilities, with public transport available for those facilities located at a greater distance away. On the information before me, I am satisfied that accessibility between the appeal sites and local facilities and services, the town centre and places of employment is not dependent upon use of the car. I share the view of the main parties who have agreed that the appeal sites are accessibly sustainable.

24. The settlement zone line at Congleton is out-of-date in defining the extent of the built-up area. Future development needs are expected to involve the expansion of the town beyond that point. The appeal sites are in a sustainable location for residential development. Nevertheless, they remain in the open countryside and, as such, their development for housing would conflict with policies in the Development Plan. I attach significant weight to this policy conflict.

Character and appearance

25. In the Cheshire East Character Assessment, the appeal sites lie within the Brereton Heath sub-category of the lower farms and woods character area¹⁰. This is a gently undulating area where the landscape is generally of a medium scale. It is predominantly agricultural, but woodlands are present within the character area. In the vicinity of the appeal sites, there is tree cover in smaller groups and along boundaries. Buildings along Manor House Lane extend back from Padgbury Lane between sites A and B, and there is frontage development to the north of this point. The continuity of the built form on the east side of Padgbury Lane is also an influence on the landscape in the locality. Having regard to the proximity and extent of the built-up area, and the activity it generates, I consider that this part of the lower farms and woods character area is of medium sensitivity.

⁸ Details of bus routes and timetables are given in the appendices to WHAG's appeal statement.

⁹ The 0850 service from Congleton travels along Padgbury Lane rather than through the existing housing area due to the presence of vehicles associated with The Quinta Primary School.

¹⁰ A plan showing the extent of the character areas around Congleton is at Figure 7.3 of CD A22.7.

26. The Council argues that Padgbury Lane forms a natural and defensible boundary to the built-up area. Whilst the development on the appeal sites would take place on the predominantly open side of the road, it would be contained by the line of Loach Brook, which is a distinct physical feature across this low-lying land. The framework plan indicates that the proposed housing would be set back from the brook, broadly following the irregular line of the watercourse. This arrangement would give the built form a more organic edge, which would assist in its assimilation into the wider landscape. Moreover, beyond Sandbach Road (the A534) the significant built form of Congleton High School and the new housing at Loachbrook Farm are to the west of Box Lane, which continues the line of Padgbury Lane. Although the appeal proposals would extend the built-up area, they would not materially alter the balance between open land and urban development at the eastern edge of the Brereton Heath lower farms and woods character area. Overall, I consider that the proposal would have only a minor adverse effect on the surrounding landscape.
27. Whilst the appeal sites have intrinsic value as part of the countryside, they are not recognised as having any specific qualitative merit. Distinctive features include Loach Brook and several groups of trees and lengths of hedgerow. The masterplan and feasibility layout indicate that a stretch of open land would be retained alongside the brook, where tree cover would be strengthened, and that the development would be broken up by a green strip along the line of the public footpath which crosses site A, and an open area around ponds and protected trees at the northern end of site B. Construction of three vehicular accesses would break through the hedgerow along Padgbury Lane, but it is intended to retain much of this existing frontage treatment. Inevitably, the extent of change caused by construction works, particularly in their early stages, would cause at least moderate harm to the landscape of the sites. However as perimeter planting became established, particularly in the corridor alongside Loach Brook, it should effectively soften the form of the new housing. Overall, I do not consider that the development would cause material harm to the landscape of either site, and that it would only have a minor adverse effect.
28. The developments would be apparent from Padgbury Lane, particularly from the new accesses and the point where the public footpath enters site A, just to the north-west of Manor House Lane. At present the tall hedgerows along the frontage of site B and the wall on the northern part of the frontage of site A prevent unencumbered views across the site. Retention of the frontage hedgerow would similarly restrict views of the new development on site B. At site A, the existing wall would be removed to allow formation of the access road, and the two sections of frontage would be relatively open. However, whilst the masterplan shows the position of the medical centre close to Padgbury Lane on the south side of the access, development is otherwise shown as set back from the road, and a condition could require preparation of the detailed layout in accordance with the masterplan. Moreover the presence of existing buildings on this part of Padgbury Lane would not only restrict views into site A, but would also lessen the effect of new development in the street scene. Having regard to the submitted masterplan and framework, I consider that the developments would not appear unduly prominent or intrusive from Padgbury Lane.
29. Notwithstanding the intention to establish a green strip along the route of the public footpath, it would be contained with an extension to the built-up area. The existing sense of openness experienced by walkers would be curtailed,

although the length of footpath affected is relatively short, and I consider that, in consequence, there would be moderate harm to visual amenity from proposal A.

30. Other public footpaths cross the open landscape to the west and south-west of the sites, including part of the Dane Valley Way¹¹. As part of my programme of site visits, I walked along the Dane Valley Way from the southern end of Padgbury Lane to a point north-west of Bent Farm, and along footpaths in the vicinity of Fieldhouse Farm, which is close to the north-west corner of site A. From vantage points on the local footpath network the built-up area of Congleton can be discerned across the intervening fields, filtered by tree cover and hedgerows. Development of the appeal sites would extend the built-up area towards the footpaths, and the effect of the new housing on both sites A and B would be most noticeable during the construction period and in the early years thereafter.
31. From positions on the Dane Valley Way to the north-west of Bent Farm the new housing would be seen in conjunction with existing development in Congleton, rising to a higher level to the east of Padgbury Lane. Between the Dane Valley and Fieldhouse Farm there are filtered views of existing development to the north of site A. In views directly towards site A from the vicinity of the farm, the housing would initially have a strong presence, raised above Loach Brook where the site boundary is relatively open. Whereas I consider that there would only be a limited adverse effect on visual amenity from most places on the local footpath network, the impact of site A in views from close to Fieldhouse Farm would be greater and cause moderate harm in the early years of development. As the planting intended alongside Loach Brook became established, however, this would effectively soften the new edge of the built-up area, reducing the harm to a limited effect.
32. I have also considered the effect of the development on the views from nearby dwellings. A number of dwellings on Padgbury Lane and Manor House Lane would have direct views towards the sites, particularly from first floor windows. Given their proximity to the appeal sites, but also the extent of boundary treatment, I consider that there would be a moderate adverse effect from these properties. The main elevations of some houses opposite site B would be at right angles to the site boundary, and as there would not be direct views towards the proposed development, the effect here would be negligible.
33. Development of the appeal sites on the west side of Padgbury Lane would have a minor adverse effect on the landscape of the site and the wider character area. Insofar as visual amenity is concerned, I have found moderate harm to users of the public footpath across the site and on the approach to site A in the vicinity of Fieldhouse Farm during the early years of development, although the extent of harm would be reduced as boundary planting matured. From other footpaths to the west and south-west limited harm would be caused, and there would be moderate harm to the outlook of dwellings with a main elevation facing the sites. Whilst the proposed developments would not unacceptably obscure views, or unacceptably lessen the visual impact of significant landscape features, I conclude that they would have certain adverse effects on the character and appearance of the area. Consequently there would be conflict with Policy GR5 of the Local Plan.

¹¹ Public footpaths in the vicinity of the appeal site are shown on figure 7.5 in CD A22.7.

Traffic movement and highway safety

The A34 corridor - existing conditions

34. The A34 runs through Congleton, leading to Stoke-on-Trent to the south and Manchester to the north. To the west of the town centre it is joined by the A54 and the A534 at the Wagon and Horses Roundabout and to the north-east by the A536 at Lower Heath. Between these points, referred to as the A34 corridor, is a signalised junction with Rood Hill which carries the A527. The Council is concerned about the effect of the developments on traffic flow along the A34 corridor which carries traffic from these converging roads through Congleton. It is common ground, however, that the traffic impact at all other areas of the local highway network is acceptable¹², and at the inquiry the Council's highways witness made it clear that there was no objection put forward on the ground of highway safety.
35. Various modelling exercises have been undertaken by the main parties, and there was considerable discussion about the merits of the respective approaches at the inquiry. The Council acknowledged that there were matters to be addressed in its earlier modelling work, and a revised proxy Saturn/VISSIM model was produced in response. Although the Appellants maintained that this model had flaws, their highways witness nevertheless considered that both it and his own ARCADY assessments represented robust estimates of peak hour conditions and allowed a view to be formed on future peak hour traffic conditions. A peer review of the Council's modelling found that, whilst there were certain detailed reservations concerning delays in the vicinity of the A34/Rood Hill junction, the model validated well against estimated and observed traffic flow data¹³.
36. At the Wagon and Horses the Council records base queues of 40.7m on the A54 arm and 17.19m on the A534 arm in the morning peak period, with corresponding figures of 41.2m and 13.4m in the afternoon peak¹⁴. At the next junction on the corridor to the east, the West Road/ West Street roundabout, the base figures are 25m on the Clayton Bypass (the A34 itself) and 11.9m on West Street in the morning peak, rising to 135.7m and 66.8m respectively in the afternoon peak. These lengths equate to queues of between 3 passenger car units (pcus)¹⁵ on the A534 arm at the Wagon and Horses and 23pcus on the Clayton Bypass arm of the West Road/ West Street roundabout, both in the afternoon peak. Queuing, however, is less on other arms of these roundabouts: for example at the West Road arms, queue lengths in the morning peak are 3.59m (1pcu) at Wagon and Horses and 7.5m (1pcu) at West Road/ West Street in the morning peak, and 5.4m (1pcu) and 9.7m (2pcus) on the same arms in the afternoon peak¹⁶. There are observed instances of longer queues, with reference to queues of up to about 700m in length on the A534 approach to Wagon and Horses. The Appellants' updated ARCADY exercise provided queuing information at Wagon and Horses. Queue lengths are relatively modest other than on the Newcastle Road A34 arm where 17pcus are identified in the morning peak and 7pcus in the afternoon peak¹⁷.

¹² Paragraph 11, highways statement of common ground (CD C24).

¹³ Atkins Report – Appendix H to Mr Griffiths's proof of evidence.

¹⁴ These figures are included in the tables on page 23 of Mr Griffiths's proof of evidence.

¹⁵ At the inquiry, a conversion factor of 6m per pcu was used by the main parties.

¹⁶ Figures for all arms of the junctions are given in the tables in paragraph 4.2.5 of Mr Blair's rebuttal proof of evidence.

¹⁷ Table 5 in Appendix E to Mr Blair's proof of evidence.

(the Council's base figures from 2012 for these arms give lower pcus of 3 and 1).

37. Results from the Council's Saturn model show high volume to capacity rates for the Wagon and Horses, West Road/ West Street, and Rood Hill junctions. At Wagon and Horses, rates during both peak periods on the A534 arm exceed 100%, the theoretical saturation level¹⁸. This level is also exceeded on the approach from the A34 (Newcastle Road) during the morning peak, on the A54 arm in the afternoon peak, on the Clayton Bypass arm of the West Road/ West Street roundabout during the afternoon peak, on both A34 arms and the A54 (right turn) arm of the Rood Hill junction in the morning, and on the A34 Rood Hill arm of that junction in the afternoon. Other volume to capacity rates for those junctions arms during peak periods all exceed 90%. Ratios of flow to capacity from the Appellant's updated ARCADY exercise are 1.00 for the Newcastle Road A34 arm at Wagon and Horses in the morning peak and 0.90 there in the afternoon peak¹⁹.
38. Journey time runs through Congleton were undertaken on behalf of the Council in 2012 and 2013. The Council suggested that it could take over ten minutes longer to travel through Congleton during the peak period than at quieter times. However this claim refers to tables in which the journey times presented for the inter-peak period are averages, whereas the worst travel times observed are given for the peak periods²⁰. Comparison of the average run times for route 3, which travels the full length of the A34 corridor, shows smaller differentials, of about 7 minutes north-east bound (using the morning peak) and about 5 minutes south-west bound (using the afternoon peak)²¹.
39. The Appellants, the Council and other parties, including the West Heath Action Group (WHAG), all refer to occurrences of congestion in Congleton. Whilst there are differences in the information submitted by the parties, the overall picture of the A34 corridor is one of a busy link in the highway network, which is under pressure at certain points during the peak periods.

The effect of the development proposals

40. The Appellants' revised modelling forecasts two-way traffic generation from the proposed developments of 164 pcus in the morning peak period and 178 pcus in the afternoon peak²². The nearest point on the A34 corridor is the Wagon and Horses roundabout, through which an additional 88 pcus would pass in the morning peak and 96 in the afternoon peak. The Council's revised proxy model indicates an additional 40 pcus on the A34 corridor to the east of Wagon and Horses during the morning peak²³. By way of comparison the 2014 observed flows from the Appellants' model record 2,447 and 2,419 vehicles on West Road to the east of the roundabout in the morning and afternoon peaks²⁴. These figures increase to 2,783 and 2,717 when growth and committed development are taken into account. On these figures, the developments would increase traffic flow by about 3.2-3.5%.

¹⁸ Paragraph 3.18 of Mr Griffiths's proof of evidence.

¹⁹ Tables 6 and 7 in Appendix D to Mr Blair's proof of evidence.

²⁰ The times for the journey runs are in paragraph 3.14 of Mr Griffiths's proof of evidence.

²¹ Table 7.2 of Appendix D to Mr Griffiths's proof of evidence.

²² These figures are aggregated from figures 5.7 and 5.8 in Appendix D to Mr Blair's proof of evidence.

²³ Appendix Q to Mr Griffiths's proof of evidence.

²⁴ Figures 4.1 and 4.1 in Appendix D to Mr Blair's proof of evidence.

41. The main parties agreed that the effect of additional traffic in terms of delays and queuing would not show a linear relationship. Outcomes of the revised proxy model indicate an additional 72.8 seconds (11.3%) delay for vehicles modelled in the southbound direction during the afternoon peak, with delays increasing by 10.1 seconds (6%) northbound and by 33.4 seconds (5.2%) southbound and 8.7 seconds (4.4%) northbound in the morning peak²⁵. 2012 base delays range from about 2 minutes 48 seconds to about 10 minutes 44 seconds. The modelling exercise relates to a relatively small number of vehicles, of which a proportion would be development trips. Nevertheless, although not illustrated by the model, other journeys making use of part of the A34 corridor would also be subject to some additional delay.
42. The Council suggested that the average delay of 24.4 seconds aggregated to about 130 hours when all vehicles using the network during the peak periods are taken into account²⁶. However, as a network wide figure, this will include trips which do not make use of the A34 corridor, and I am mindful that it is common ground that the traffic impact on all other areas of the local highway network is acceptable. Accordingly, I give little weight to this suggested impact.
43. Insofar as queuing is concerned, the Council drew attention to certain arms on the Wagon and Horses and West Road/ West Street roundabouts. The most noticeable increase would be about 125m (21pcus) on the Clayton Bypass arm at West Road/ West Street in the afternoon peak. An increase of 5pcus is predicted on the A54 at Wagon and Horses, also in the afternoon peak but otherwise the model outcomes do not indicate queues increasing by more than 3pcus at these two junctions²⁷. That said, there are several instances of existing lengthy queues. Whilst a development need not achieve nil detriment, the effect of an apparent small increase in queue length may be significant if the existing conditions already present an impediment to traffic movement. I consider that that is the case at Wagon and Horses on the A54 arm and at West Road/ West Street on the West Street arm in the afternoon peak.
44. The Appellants pointed out that the revised proxy model does not take account of mitigation associated with other housing proposals in Congleton. That is true, but neither does it include the traffic generated by those proposals. Although the Appellants acknowledged that the revised proxy model allowed a view to be formed on future peak hour traffic conditions, they pointed to its inability to allow iterative reassignment along alternative routes such as Fol Hollow and Peel Lane, which run to the south of Astbury Mere. I had the opportunity to travel along both of these routes. Fol Hollow is narrow with several bends, and requires the negotiation of several minor streets and associated junctions as the route approaches the town centre. On the Peel Lane route there are pinch points by Astbury Church, and at narrow bridges over the canal and railway. Whilst I do not doubt that they are used by some drivers as an alternative to travelling through Congleton on the A34, I do not consider that either of these routes is well-suited for such use. Consequently I do not consider that this aspect of the model's construction has inappropriately heightened the effect of traffic movement on the A34 corridor.

²⁵ These differences are calculated from the table in Appendix A to Mr Blair's rebuttal proof of evidence.

²⁶ The table on page 25 of Mr Griffiths's proof of evidence deals with network wide delay.

²⁷ Data on queuing at these junctions is in the tables on pages 23 and 24 of Mr Griffiths's proof of evidence.

45. On the information before me, I do not consider that the developments would have adverse effects of the scale envisaged by the Council. However the evidence of both main parties, supplemented by that of local councillors, residents and groups and my own observations, indicates that congestion occurs on the A34 corridor, and that the developments on Padgbury Lane would increase the prospect for disruption to traffic movement. Paragraph 32 of the National Planning Policy Framework explains that decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development. In my judgement the proposals would result in significant effects in certain parts of the A34 corridor, and mitigation would, therefore, be appropriate.

Mitigation and the highways contributions

46. I have reached the view that mitigation should be forthcoming to address the effects of the traffic generated by the appeal proposals. Although the Appellants contest the need for mitigation, contributions towards highway works are included in the planning obligations (Documents A7 & A8). The obligations are written in similar fashion. Highways contributions of £135,555.56 (appeal A) and £169,444.44 (appeal B) would be paid towards the costs of improving the Wagon and Horses junction and improvements at Barn Road roundabout, and/ or other improvements to the A34 corridor including the delivery of the section of the Congleton Link Road between the A34 and the A54. In addition the obligations make provision for supplemental highways contributions of £255,044.44 (A) and £318,805.56 (B) towards the costs of improvements to the A34 corridor or other highway improvements including the delivery of the section of the Congleton Link Road between the A34 and the A54. Payment of the supplemental contributions would be conditional upon those obligations being compliant with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. However, the deeds specifically exclude the highways contributions from this condition. Consequently, if planning permission for both proposals is granted, a total sum of £305,000 would be payable towards A34/ link road highway works, irrespective of compliance with the CIL Regulations.
47. The Council has developed two alternative schemes to bring about improvements to the A34 corridor. The preferred solution is the construction of the link road, which would run to the north of the town²⁸. The road would be associated with the development of sites put forward in the emerging LPS, and its objectives also include the relief of existing congestion, the reduction of severance along town centre corridors, and the reduction of traffic related pollutants within air quality management areas. The alternative on-line scheme would involve improvements at four junctions on the A34 corridor from Wagon and Horses to Rood Hill²⁹.
48. Submission of a planning application for the link road was expected in summer 2015, and, subject to the grant of planning permission and the successful conclusion of compulsory purchase procedures, the Council anticipated that construction would start at the end of 2016. The on-line scheme provides a fall-back position. Notwithstanding the Council's intention to proceed with the link road, it has calculated a funding request based on the cost of the on-line scheme. The £8,040,000 cost has been divided by the 2,200 dwellings

²⁸ The preferred route of the link road is shown on the plan in Appendix J to Mr Griffiths's proof of evidence.

²⁹ The on-line scheme is shown on the plan in Appendix K to Mr Griffiths's proof of evidence.

proposed in the emerging LPS on strategic locations and sites on the north side of the town together with the 270 dwellings from the appeal sites. On this pro-rata basis, the Council has sought £878,850 in respect of the appeal proposals, £390,600 for proposal A and £488,250 for proposal B. The two highways contributions in the obligations sum to these amounts.

49. The Council's calculation does not, however, take account of the totality of new development envisaged on the major sites being put forward in the vicinity of the A34. It divides the cost between proposed housing sites, whereas 20ha of employment land is also proposed and a 10ha leisure hub, and these other developments could be expected to generate significant traffic movement on the A34 corridor or the link road. Furthermore, the Council suggested that as the £878,850 represents about 11% of the contributions sought for the on-line scheme and about 5.4% of those sought for the link road, it is consistent with the range of delay impacts attributable to the appeal proposals (above, para 40). I have considerable reservations about such an approach, which is not based on the overall relationship of impacts arising from new developments, and is not, therefore, the result of an appropriate proportionate approach. For these reasons alone, I do not consider that the total highways contributions sought would be fairly and reasonably related in scale to the appeal proposals.
50. The Appellants' highways witness suggested that, if mitigation were required, widening of the Newcastle Road arm of the Wagon and Horses roundabout, costing about £10,000, may be appropriate. However such a scheme would be markedly more limited in its scope than that envisaged as part of the on-line improvement, and, in any event, there is no provision for such work and funding as part of the appeal proposals.
51. The planning obligation relating to development at Black Firs Park (Document L6) will provide a highways contribution of £755,000, which is intended to be used towards improvement works at the West Road/ West Street roundabout and a MOVA upgrade of the signalised Rood Hill junction. The Appellants also drew attention to the terms of a draft planning obligation concerning land between Manchester Road and Giantswood Lane (Document L7), which include a highways contribution of £300,000 towards the link road or improvements to the Rood Hill junction. As this deed had not been executed, I give little weight to its provisions. Nevertheless there would be sufficient funding from the Black Firs Park obligation to cover the estimated costs of the works at West Road/ West Street³⁰. The cost estimate report for the on-line improvement gives a figure of £192,110.73 for works at Wagon and Horses, excluding compensation costs. Subsequently, the Strategic Highways Manager gave a total cost for improvements to this junction of £302,000. The highways contributions of £305,000 would cover the cost of the improvement works at Wagon and Horses. This is the closest junction on the A34 corridor to the appeal sites, and the effect of additional traffic would be manifest here. I consider that funding, which would enable this junction to be improved, would be directly related to the appeal proposals and fairly and reasonably related to them in scale and kind.

³⁰ A schedule of costs for the on-line improvement scheme is at Appendix L to Mr Griffiths's proof of evidence. Compensation costs are not disaggregated, but the highways contribution would cover the stated outturn cost for the roundabout together with more than a fifth of the compensation costs.

Other highway matters

52. Padgbury Lane is a local distributor, which provides a link between the A34 to the south-east and the A534 to the north. Councillor Domleo, the Civic Society and WHAG refer to the use of the road by vehicles making trips on the west side of Congleton. It is used for journeys to and from Congleton High School, which is immediately north of the junction with the A534, and to reach the railway station to the south-east of the town centre. It is suggested that it would also be used in the future to gain access to the western end of the link road, and there is local concern about the effect of traffic from the appeal sites on Padgbury Lane.
53. Each of the three accesses to the sites would be taken from Padgbury Lane, and the combined transport assessment records increases in flow during the morning and afternoon peaks of 13% and 20.2%³¹. Whilst the increases appear proportionally high, that is a function of the relatively modest base flows. Specific local concerns have been raised about the junction with the A34, with arguments put forward referring to difficulties in turning right onto the major road. The transport assessment modelling predicts that the junctions at both ends of Padgbury Lane would operate well within capacity when development traffic is taken into account. There is no countervailing technical information before me, and the Council raises no traffic movement or highway safety objection in respect of Padgbury Lane.
54. The Council undertook speed surveys on Padgbury Lane. Taking account of this exercise, it resolved not to pursue the objection referring to proposal A which contended that insufficient information concerning the site access had been submitted to demonstrate that the scheme would provide for the safe operation of the public highway. Indeed it is common ground between the main parties that there would be no unacceptable highway safety issues along the site frontages.
55. I am aware of concerns by the occupiers of Nos 46 and 48 Padgbury Lane, about the effect of the proposals on the use of their drives. These houses are a short distance to the north of the position of the access to site A. I had the opportunity to drive out of No 48. The position and height of boundary treatment restricts visibility to an extent, and it was necessary to edge out to join the highway. The houses are towards the northern end of the visibility splay to the site access, and in this position I do not consider that the level of additional traffic movement arising from the proposals would render the use of these drives materially less safe.

Conclusions on traffic movement and highway safety

56. I find that the appeal proposals would have certain significant effects on traffic movement on the A34 corridor, which merit mitigation. Whilst the total level of contributions, including the supplemental contributions, would not relate to the scale of development proposed, I am satisfied that the highway contributions alone would meet this test. Together with monies already committed, improvements to the two junctions on the A34 corridor closest to the appeal sites could be funded. I appreciate that the Council is strongly of the view that works to the A34 corridor should be carried out as a single project. However as it is also the clear intention to proceed with the link road and not the on-line

³¹ Tables 6.1 and 6.2, CD A22.8.

scheme, that is not an argument which counts against the proposal. I conclude that, taking account of the mitigation available through the highways contribution, the appeal proposals would not materially worsen traffic movement or reduce highway safety, nor would they be premature in advance of further consideration of the link road. The proposals would not, therefore conflict with Policies GR9 and GR18 of the Local Plan (2005).

Agricultural land

57. The greater part of both appeal sites comprises best and most versatile agricultural land. Assessments undertaken on behalf of the Appellants record 4.3ha of site A as grade 2 land (81% of the 5.3ha of agricultural land)³², and for site B, of the 7ha of agricultural land, 2.3ha (32%) falls within grade 2 and 2.9ha (42%) within grade 3a. Evidence has been submitted by the Appellants which identifies large areas of the land on this side of Congleton, extending round to the south of Astbury Mere and to the north of the town, which is also of best and most versatile quality³³. The information on land quality has not been disputed by the Council.
58. In the emerging LPS three strategic locations (Back Lane/ Radnor Park - SL 6, Congleton Business Park Extension - SL 7 and Giantswood Lane to Manchester Road - SL 8) and two strategic sites for development (Giantswood Lane South - CS 16 and Manchester Road to Macclesfield Road - CS17) are put forward on the north side of the town³⁴. The Appellants' map of land quality indicates that virtually all of strategic locations SL 6 and SL 8 and the two strategic sites, together with a significant part of strategic location SL 7 comprise best and most versatile agricultural land. Moreover, I note that the Council has resolved to grant planning permission on a site between Black Firs Lane, Chelford Road and Holmes Chapel Road, and planning permission has been granted on appeal for a site south of Holmes Chapel Road, both of which involve best and most versatile land. Whilst the full circumstances of these latter cases are not before me, it is clear that given the imperative for further development at Congleton and the extent of good quality agricultural land around the town, the inclusion of such land has not debarred sites from coming forward. I note that it is common ground between the main parties that the loss of the best and most versatile agricultural land should not be a determinative matter in its own right.
59. The proposals would result in the loss of 9.5ha of good quality land. In consequence there is conflict with part 4 of Policy SE 2 of the emerging LPS. Paragraph 112 of the NPPF makes it clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to that of a higher quality. The proposals before me would not involve the significant development of agricultural land. The amount of best and most versatile agricultural land which would be lost is relatively small, and the development would not materially erode the benefits of such land to agricultural production in the locality. Consequently I do not consider that the proposals would be at odds with the objectives of the NPPF concerning agricultural land. I conclude that the proposed developments would have a

³² The breakdown of land quality on the application sites is given in table 1 of Mr Reeve's proof of evidence. This table gives a slightly lower figure for grade 2 land on site A than in the report submitted with the planning application (CD A17), which records 4.5ha (82%) in this category due to the apparent inclusion of the small area of non-agricultural land.

³³ Map MJR2 in Mr Reeve's proof of evidence.

³⁴ These locations and sites are show on figure 15.24 of CD C11.

limited adverse effect on the availability of the best and most versatile agricultural land in the area around Congleton.

Other considerations

Housing land supply

60. It is common ground between the Council and the Appellants that there is not a five years supply of housing land in Cheshire East. The Appellants have made a calculation of objectively assessed need which takes as a starting point the 2008 sub-national population projections: an assessment of supply has also been submitted, together with a critique of the Council's 2014 housing land supply position statement. For its part, the Council has submitted no specific evidence on housing requirements or land supply. At the inquiry, it was not in a position to provide this information, and it neither endorsed nor disputed the evidence of the Appellants.
61. Accordingly the only detailed assessment before me on the question of housing land is that submitted by the Appellants³⁵. The base calculation gives an objectively assessed need of 2,050 dwellings per year (scenario 2), with a lower figure of 1,710 dpy (scenario 1) from application of an adjustment in household formation rates³⁶. It is common ground that a 20% buffer should be applied to the assessment of need to account for past under-delivery, and that undersupply should be addressed within the first five years of the plan period where possible. On this basis, the Appellants have calculated five years requirements of 14,196 (scenario 1) and 17,460 dwellings (scenario 2). Insofar as supply is concerned, the Council's 2014 housing land supply position statement gives a total of 10,562 dwellings³⁷, which would equate to at most 3.7 years supply. The Appellants dispute the availability of several sites, and put forward a lower level of supply of 8,886 dwellings. This would provide sufficient land for 2.5 years in scenario 2 and for 3.1 years in scenario 1. Even if all of the deliverable supply identified by the Council were to come forward, there is a significant shortfall of housing land. Consequently the contributions towards the provision of a five years supply carries significant weight in support of the appeal proposals. Councillor Domleo suggested that there may be a greater need for housing land in the north of the Borough, but at the inquiry the Council acknowledged that there would be a need for at least 3,500 new homes at Congleton (above, para 22). Representations about the distribution of housing land do not alter my view about the significance of the shortfall in supply.

Affordable housing

62. There is a significant need for affordable housing in Cheshire East. The Strategic Housing Market Assessment 2013 identifies a net annual shortfall of 1,401 dpy³⁸. Whilst the emerging LPS does not give this number as a target for delivery, it acknowledges that there is a clearly identified need for more affordable housing. To address this need, Policy SC 5 seeks the provision of at least 30% affordable housing on sites of 15 or more dwellings in settlements including key service centres. This level of provision is included in the planning

³⁵ The calculation of the five years' requirements is set out at table 9.4 of Mr Lomas's proof of evidence.

³⁶ Table 7.1 in Mr Nicol's proof of evidence.

³⁷ Table 6 of the statement is reproduced in paragraph 10.2 of Mr Lomas's proof of evidence.

³⁸ Table C1, CD C13.

obligations, which meet the statutory tests, and the affordable housing would be a significant benefit of the appeal proposals.

Economic effects

63. The Appellants point to a number of economic benefits flowing from the development of the land at Padgbury Lane. It is estimated that the developments would support more than 45 jobs during the construction period, and additional jobs would be supported in the supply chain. Expenditure on goods and services in the locality would take place during the construction period and subsequently by residents of the two sites. These are important benefits of the schemes. I acknowledge that the developments would result in new homes bonus payments and would augment Council tax receipts. However paragraph 21b-011 of Planning Practice Guidance advises that it would not be appropriate to make a decision based on the potential for the development to make money for a local authority, and I give limited weight to these consequences of the appeal proposals.

Education

64. The Council seeks financial contributions towards extending primary school accommodation. There are currently 146 surplus spaces at local schools, with forecasts indicating a future range of 191-248 places³⁹. Against that must be set the 131 pupils expected to be generated from developments which are permitted or are the subject of a resolution to grant planning permission. On a precautionary basis it is appropriate to use the lower forecast figure for the assessment, reducing the surplus to 60 spaces. The two appeal proposals, together with a scheme at Goldfinch Close, would require a total of 89 spaces. Distributing the resultant shortfall on a pro-rata basis would require contributions of £75,491 and £97,508 from schemes A and B respectively. Provision for these contributions is included in the obligations. I am satisfied that these parts of the obligations are fairly and reasonably related in scale and kind to the appeal proposals, and that they would also meet the other statutory tests.

65. No contribution is sought or offered in respect of secondary education. The developments are expected to generate a requirement for an additional 36 places, but a letter from the nearby Congleton High School states that that school will have reached capacity from September 2015⁴⁰. I have no reason to doubt that information, but this letter had been submitted to the Council when it determined its approach to the appeals, including the provisions to be sought through planning obligations. Whilst Congleton High School may be full, that does not mean that there would be no capacity in the education system at secondary school level. There is no evidence before me that the developments would result in pupils travelling unreasonable distances to reach a secondary school, and the absence of secondary school contributions does not count against the proposals.

Air quality

66. There are three air quality management areas on or close to the A34 corridor⁴¹. The Council's Environmental Health Officer has explained that at these

³⁹ Paragraphs 4d, Documents L8 and L9.

⁴⁰ Appendix 15 to Councillor Domleo's statement.

⁴¹ The air quality management areas are shown on the plan in Appendix G to Mr Griffiths's proof of evidence.

locations levels of nitrogen dioxide (NO₂) exceed tolerances at sensitive receptors, and referred to increases in pollution from the cumulative impact of development in Congleton. Concern was also expressed on behalf of WHAG about pollution caused by additional traffic, with particulates (PM₁₀ and PM_{2.5}) and other volatile organic compounds posing the greatest potential health risk. The Appellants had submitted air quality assessments with the planning applications, the methodology of which had been agreed with the Council's Environmental Health officers. Assessed cumulatively, the increase in PM₁₀ concentrations would be imperceptible: the contribution to NO₂ pollution levels would be small, although at two receptors within an air quality management area the predicted increase is classified as minor adverse⁴². In response the Environmental Health Officer recommended mitigation to encourage reduced emissions through the provision of travel plans and the incorporation of infrastructure for the charging of electric vehicles. The Appellants have no objection to such conditions, and I am satisfied that they would address the potential adverse effects of air quality related to additional traffic levels.

67. WHAG also pointed out that the sand quarry, which is a short distance to the west of the appeal sites, could potentially generate air-borne particles which could be harmful to health. However emissions from the quarry are regulated under the Environmental Permitting (England and Wales) Regulations 2010, and WHAG did not suggest that the regulatory regime would be inadequate to safeguard the living conditions of future residents on the appeal sites.

Nature conservation

68. A small population of great crested newts, a protected species, is present in a pond on site B. The pond would be retained and incorporated in an area of open space. Similarly, the main badger setts would be safeguarded, and the Council's Ecologist does not object to the proposals subject to the implementation of mitigation measures. There would be opportunities to enhance biodiversity through the management of the open areas within the sites, in particular alongside Loach Brook. Mitigation measures for wildlife and an ecological management plan could be the subject of conditions.
69. Three tree preservation orders (TPOs) cover parts of the sites, encompassing trees along the frontage of site B, an oak tree within a hedgerow near the public footpath on site A, a woodland area around the pond, a group of oaks close to Loach Brook, four individual trees at the southern end of the site, and an oak tree on the boundary with the filling station, all on site B. With the exception of the four trees at the southern end of site B, the protected trees would all be unaffected by the position of buildings shown on the feasibility layout. Siting is not for approval at this stage, and the layout could be adjusted to ensure that all the protected trees were retained.

D1 use

70. Appeal proposal A includes provision for up to 180m² of health-related development, the location of which would be adjacent to the site access. This was originally envisaged as a surgery, but the NHS does not support this element of the proposed development, pointing out that health services should be maintained at key locations where patients are able to access a range of services. Nevertheless the planning obligation for site A would reserve that

⁴² Sections 7, CDs A14 and B14.

part of the site for use as a medical centre for three years should circumstances change. In view of the consultation response from the NHS, I do not consider that this provision of the obligation meets the test of necessity.

Listed buildings

71. The public house/ restaurant situated between the appeal sites occupies Padgbury House and its coach house, both of which are grade II listed buildings. Padgbury House is an imposing stone building, set apart from frontage development on this side of the road, although there is a small group of housing close to the rear of the listed buildings. It is intended that there would be areas of open space to the north and south of the building, and a layout retaining open land in these locations would not adversely affect the setting of the listed buildings.

The planning obligations

72. I have already considered the provisions of the planning obligations concerning the highways contributions (paras 46-51), affordable housing (para 62), the education contributions (para 64), and the safeguarding of a site for a medical centre (para 70). Both obligations also include provisions concerning phasing, open space, bus stops and travel plans. Phasing schemes are appropriate given the size of the appeal proposals, and the obligations would require submission of affordable housing schemes, open space schemes, management plans, and details of the proposed management companies with the first reserved matters applications for layout of the developments. It is important that these arrangements are put in place at an early stage to ensure that the schemes are implemented in a satisfactory manner. There would be a shortfall of open space in the vicinity of the appeal sites: in accordance with Policy GR22 of the Local Plan and Supplementary Planning Guidance Note 1, the obligations require a scheme for its provision and arrangements for future maintenance. The contributions towards bus stop infrastructure and monitoring of travel plans would assist in promoting the use of alternative means of transport to the private car, consistent with the objectives to encourage sustainable transport modes in paragraphs 17 and 29 of the NPPF.

73. I have found that the safeguarding of land within site A for a medical centre does not meet the test of necessity, and that the supplemental highways contributions would not be fairly and reasonably related in scale and kind to the developments, and I am unable to take them into account in determining the appeals. Insofar as the other provisions of the planning obligations are concerned, the statutory tests in Regulation 122 of the CIL Regulations are met, and these provisions are material considerations in the appeal decisions.

Conditions

74. I have already referred to conditions concerning travel plans, electric vehicle charging, wildlife mitigation and ecological management, all of which would be necessary for the development to proceed. For the avoidance of doubt and in the interests of proper planning, it is important that the developments are carried out in accordance with the specified plans. Equally, reserved matters should be prepared in accordance with the appropriate illustrative plans. Given the size of the sites, phasing should be approved to ensure that expansion of the built-up area occurs in a satisfactory manner.

75. To ensure that the developments would be in keeping with their surroundings, arboricultural method statements are required, the reserved matters should make provision for replacement hedgerow planting, and details of external lighting should be submitted for approval. Details of levels should also be submitted for this reason and to avoid flood risk. In order to safeguard the living conditions of future residents, the reserved matters should include a scheme of noise mitigation, and the D1 use should be restricted to medical and healthcare purposes. However, requirements for insulation of plant and machinery, the calculation of noise levels, and noise validation tests would all be more appropriately addressed at reserved matters stage. Construction management schemes would protect the living conditions of neighbours.
76. In the interest of highway safety, the site accesses should be implemented prior to occupation, and a scheme of pedestrian and cycle provision should also be carried out. Intrusive ground investigations were recommended in the phase I contamination studies⁴³, and further work should, therefore, be carried out to ensure a safe residential environment. Similarly, a programme of work should be undertaken to enable the assessment of any items of archaeological interest.
77. Conditions concerning samples of materials, bin storage facilities, details of boundary treatment and the use of decentralised and renewable or low-carbon energy sources were suggested by the main parties. These are all matters where any such conditions would be more appropriately imposed on reserved matters approvals.

Conclusions

78. There is not a five years supply of housing land in Cheshire East. Whilst Policies PS8 and H6 remain relevant insofar as protection of the countryside is concerned, their extent restricts housing development. In this respect, having regard to paragraph 49 of the NPPF, the policies are out-of-date. Housing proposals should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF explains that, where relevant policies are out-of-date, that means granting permission unless any adverse impact would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. That latter circumstance does not apply in this case.
79. The NPPF sets out three dimensions to sustainable development: economic, social and environmental. The contribution of the appeal proposals, for up to a total of 270 dwellings, to the supply of housing land and to the need for affordable housing in Cheshire East represent significant social benefits. A number of important economic benefits would arise, including jobs and expenditure arising during the construction period and ongoing additional household expenditure. On the other hand, the loss of an area of best and most versatile agricultural land is a negative economic factor. In respect of the environmental dimension there would be certain adverse effects to the character and appearance of the area, although none carries more than moderate weight. Although both sites are located in the countryside, they would be a sustainable location for new housing development in Congleton, and subject to mitigation the proposals would not materially worsen traffic

⁴³ CDs A10 and B10.

movement or reduce highway safety. I conclude that, overall, the proposals would represent sustainable forms of development.

80. I attach significant weight to the conflict with Development Plan policy by virtue of the location of the sites in the countryside. However, the policy conflict and the other adverse effects to which I have referred above (para 79) would not significantly and demonstrably outweigh the benefits of these proposals, of which the contributions to the supply of market and affordable housing carry particular weight.
81. For the reasons given above, and having regard to all matters raised, I conclude that both appeals should be allowed.

Richard Clegg

INSPECTOR

Richborough Estates

**Schedule A – Conditions applying to appeal decision ref
APP/R0660/A/14/2221324**

- 1) Details of the appearance, landscaping, layout, and scale, (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) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan ref 5299-L-03, access plan ref A079521-P035.
- 5) The reserved matters shall be prepared in accordance with the parameters plan ref 5299-L-101 rev E.
- 6) No development on the relevant phase shall take place until details of existing ground levels, proposed ground levels and the level of proposed floor slabs have been submitted to and approved in writing by the local planning authority. The details shall include a scheme demonstrating that finished floor levels of all buildings are to be set at a minimum of 600mm above the 1% AEP modelled flood level for Loach Brook, including an allowance for climate change. The development shall be carried out in accordance with the approved scheme.
- 7) Prior to the submission of the first Reserved Matters, phasing details shall be submitted to and approved by the local planning authority. The development shall thereafter be implemented in accordance with the approved phasing details.
- 8) No development shall take place until a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme must ensure that no surface water discharges into the existing public sewerage system. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
- 9) The development hereby permitted shall not be commenced until a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
- 10) The development hereby permitted shall not be commenced until a scheme for the disposal of foul water has been submitted and approved in writing by the local planning authority. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
- 11) The D1 use hereby permitted shall be limited to medical and healthcare uses only and for no other use falling within the D1 Use Class.

- 12) No development shall take place until a contamination investigation has been carried out, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.
- If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 13) No development shall take place until an Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The plan shall include:
- i) The hours of construction work and deliveries
 - ii) The parking of vehicles of site operatives and visitors
 - iii) Loading and unloading of plant and materials
 - iv) Storage of plant and materials used in constructing the development
 - v) Wheel washing facilities
 - vi) Details of any piling required including, method (best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties), hours, duration, prior notification to the occupiers of potentially affected properties
 - vii) Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
 - viii) Mitigation measures in respect of noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes
 - ix) Waste Management: There shall be no burning of materials on site during demolition / construction
 - x) A scheme to minimise dust emissions arising from demolition / 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.
- 14) No part of the development shall be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include a timetable for implementation and provision for

monitoring and review. All measures contained within the approved Travel Plan shall be implemented in accordance with the timetable and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of the development is occupied.

- 15) No part of the development shall be occupied until details of electric vehicle infrastructure to be installed on the site in each phase have been submitted to and approved in writing by the Local Planning Authority. No dwelling or health-related development shall be occupied until the approved infrastructure relating to that property has been fully installed. The approved infrastructure shall thereafter be retained.
- 16) Any future Reserved Matters application shall include a Scheme of Noise Mitigation based on the recommendations of the Noise Assessment Report prepared by Miller Goodall, 21st June 2013, Report No: 100705. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
- 17) Notwithstanding the submitted ecological reports, any reserved matters shall include a detailed ecological management plan, to include provision of retained grassland habitat areas excluding any SuDS related ponds and the cycleway/footpath. The development shall be implemented and subsequently maintained in accordance with the approved management plan.
- 18) No development shall take place until a scheme for the provision and management of an 8 metre wide undeveloped buffer zone alongside the watercourse has been submitted to and approved in writing by the local planning authority. This undeveloped buffer zone should be measured from bank top, bank top being defined as the point at which the bank meets the level of the surrounding land. Thereafter the development shall be carried out in accordance with the approved scheme.
- 19) The development shall be carried out in accordance with the recommendations of the nature conservation reports included in Appendix 9 to the environmental statement.
- 20) Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds and the results submitted to the local planning authority. Where nests are found, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to the Local Planning Authority before any works within the exclusion zone take place.
- 21) Any reserved matters application shall include detailed proposals for the following:

A detailed protected species assessment and mitigation strategy to take account of any changes to the site layout at the reserved matters stage.

The incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained.

A detailed method statement for any category 1 trees with potential to support roosting bats, which would be removed as part of the scheme. The approved method statement shall be carried out prior to the first occupation of the development hereby permitted.

- 22) The reserved matters shall make provision for replacement hedge planting for any hedgerows to be removed as part of the development hereby permitted.
- 23) No development shall take place on any phase until a detailed Arboricultural Method Statement for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement. The Method Statement shall include a tree protection scheme, a treework specification, drainage details, and the timing and phasing of arboricultural works. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being protected in the tree protection scheme, which shall remain in place for the duration of the construction period.
- 24) The approved works to form the site access and associated works shall be carried out prior to the first occupation of the development hereby permitted.
- 25) Each phase of the reserved matters shall include a scheme of pedestrian and cycle provision and signage. The scheme shall include shared routes for pedestrians and cyclists through the site and a timetable for implementation. The approved scheme of pedestrian and cycle provision and signage shall be carried out in accordance with the timetable.
- 26) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
- 27) No external lighting shall be installed until a scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, height, design and luminance of any lighting and arrangements to minimise the potential loss of amenity caused by light spillage on adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

**Schedule B – Conditions applying to appeal decision ref
APP/R0660/A/14/2221325**

- 1) Details of the appearance, landscaping, layout, and scale, (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) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan ref 5299-L-04 rev D, access plans ref A079521-P036 and P037.
- 5) The reserved matters shall be prepared in accordance with the parameters plan ref 5299-L-103 rev K.
- 6) No development on the relevant phase shall take place until details of existing ground levels, proposed ground levels and the level of proposed floor slabs have been submitted to and approved in writing by the local planning authority. The details shall include a scheme demonstrating that finished floor levels of all buildings are to be set at a minimum of 600mm above the 1% AEP modelled flood level for Loach Brook, including an allowance for climate change. The development shall be carried out in accordance with the approved scheme.
- 7) Prior to the submission of the first Reserved Matters, phasing details shall be submitted to and approved by the local planning authority. The development shall thereafter be implemented in accordance with the approved phasing details.
- 8) No development shall take place until a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme must ensure that no surface water discharges into the existing public sewerage system. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
- 9) The development hereby permitted shall not be commenced until a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
- 10) The development hereby permitted shall not be commenced until a scheme for the disposal of foul water has been submitted and approved in writing by the local planning authority. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
- 11) No development shall take place until a contamination investigation has been carried out, in accordance with a methodology which has previously

been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. Upon completion of remediation, a validation report shall be submitted to and approved by the local planning authority confirming that the site has been remediated in accordance with the approved measures and that the site is suitable for the development hereby permitted.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 12) No development shall take place until an Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i) The hours of construction work and deliveries
 - ii) The parking of vehicles of site operatives and visitors
 - iii) Loading and unloading of plant and materials
 - iv) Storage of plant and materials used in constructing the development
 - v) Wheel washing facilities
 - vi) Details of any piling required including, method (best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties), hours, duration, prior notification to the occupiers of potentially affected properties
 - vii) Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
 - viii) Mitigation measures in respect of noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes
 - ix) Waste Management: There shall be no burning of materials on site during demolition / construction
 - x) A scheme to minimise dust emissions arising from demolition / 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.
- 13) None of the dwellings shall be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include a timetable for implementation and provision for monitoring and review. All measures contained within the approved travel plan shall be implemented in accordance with the timetable and shall continue to be implemented, in accordance with the

- approved scheme of monitoring and review, as long as any part of the development is occupied.
- 14) None of the dwellings shall be occupied until details of electric vehicle infrastructure to be installed on the site in each phase have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved infrastructure relating to that property has been fully installed. The approved infrastructure shall thereafter be retained.
 - 15) Any future Reserved Matters application shall include a Scheme of Noise Mitigation based on the recommendations of the Noise Assessment Report prepared by Miller Goodall, 21st June 2013, Report No: 100706. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
 - 16) Notwithstanding the submitted ecological reports, any reserved matters shall include a detailed ecological management plan, to include provision of retained grassland habitat areas excluding any SuDS related ponds and the cycleway/footpath. The development shall be implemented and subsequently maintained in accordance with the approved management plan.
 - 17) No development shall take place until a scheme for the provision and management of an 8 metre wide undeveloped buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. This undeveloped buffer zone should be measured from bank top, bank top being defined as the point at which the bank meets the level of the surrounding land. Thereafter the development shall be carried out in accordance with the approved scheme.
 - 18) The development shall be carried out in accordance with the recommendations of the nature conservation reports included in Appendix 9 to the environmental statement.
 - 19) Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds and the results submitted to the local planning authority. Where nests are found, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to Local Planning Authority before any works within the exclusion zone take place.
 - 20) Any reserved matters application shall include detailed proposals for the following:

A detailed protected species assessment and mitigation strategy to take account of any changes to the site layout at the reserved matters stage.

The incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained.

A method statement for the eradication of Himalayan Balsam. The approved method statement shall be carried out prior to the first occupation of the development hereby permitted.

A detailed method statement for any category 1 trees with potential to support roosting bats, which would be removed as part of the scheme. The approved method statement shall be carried out prior to the first occupation of the development hereby permitted.

- 21) The reserved matters shall make provision for replacement hedge planting for any hedgerows to be removed as part of the development hereby permitted.
- 22) No development shall take place on any phase until a detailed Arboricultural Method Statement for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement. The Method Statement shall include a tree protection scheme, a treework specification, drainage details, and the timing and phasing of arboricultural works. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being protected in the tree protection scheme, which shall remain in place for the duration of the construction period.
- 23) The approved works to form the site accesses and associated works shall be carried out prior to the first occupation of the development hereby permitted.
- 24) Each phase of the reserved matters shall include a scheme of pedestrian and cycle provision and signage. The scheme shall include shared routes for pedestrians and cyclists through the site and a timetable for implementation. The approved scheme of pedestrian and cycle provision and signage shall be carried out in accordance with the timetable.
- 25) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
- 26) No external lighting shall be installed until a scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, height, design and luminance of any lighting and arrangements to minimise the potential loss of amenity caused by light spillage on adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr C Katkowski QC	Instructed by the Council.
He called	
Mr B Haywood BA(Hons) MA MBA MRTPI MCMi	Major Applications Team Leader.
Mr P Griffiths BEng(Hons) IENG MICH	Infrastructure Delivery Manager.

FOR THE APPELLANTS:

Mr P G Tucker QC	Instructed by Mr R Lomas, Associate, Hourigan Connolly.
He called	
Mrs L Goodall BSc(Hons) MSc DipANC GMCIEH MIAQM MIOA	Director, Miller Goodall Environmental Services Ltd.
Mr M V Watts DipURP(Dist) MRTPI	Senior Director, Nathaniel Lichfield & Partners.
Mr P Rech BA BPhilLD CMLi	Director, FPCR.
Mr P Blair BEng CEng FICE FCIHT	Head of Transport UK, WYG.

INTERESTED PERSONS:

Councillor R M Domleo	Representing himself and Councillors G Baxendale and D Topping, all Members of the Borough Council for Congleton West Ward.
Councillor P Bates	Member of the Planning Committee, Congleton Town Council.
Mrs J Unsworth	Vice-Chairman, Protect Congleton Civic Society.
Mr J Green	Chairman, West Heath Action Group.
Professor A Fryer BSc(Hons) PhD FRCPATH	West Heath Action Group.
Mr J Sears	West Heath Action Group.

THE LPA'S DOCUMENTS

L1	Note on housing provision from the appeal sites.
L2	Appendix Q to Mr Griffiths's proof of evidence.
L3	PPG paragraph 21b-011.
L4	Additional highways information concerning journey time runs and the VISSIM model.
L5	Planning obligation relating to land north of Sandbach Road, Congleton.
L6	Extracts from planning obligation relating to Black Firs Park, Congleton.
L7	Extracts from draft planning obligation relating to land between Manchester Road and Giantswood Lane, Congleton.
L8	CIL Regulations Compliance Statement – Appeal A.

- L9 CIL Regulations Compliance Statement – Appeal B.
- L10 Open space calculation spreadsheets relating to appeal A (part of Appendix 8 to Documents L8 & L9).

THE APPELLANT'S DOCUMENTS

- A1 Letter dated 2 April 2015 from Mrs Goodall concerning air quality.
- A2 Ecology note in relation to Mr Sears's representations.
- A3 Judgement in Mark Wenman v SSCLG & Waverley BC [2015] EWHC 925 (Admin).
- A4 Appeal decision ref APP/U1105/A/13/2208393 concerning residential development, a local centre and care homes at Pinn Hill, Exeter.
- A5 Appellants' note concerning A34 on-line improvement costings and secured Section 106 highway funding.
- A6 Farm business tenancy in respect of appeal site A and email dated 30 April 2014 from Mr Lomas.
- A7 Planning obligation relating to appeal B.
- A8 Planning obligation relating to appeal A.

OTHER PARTIES' DOCUMENTS

- O1 Councillor Bates's statement for Congleton TC.
- O2 Appendices 12-15 and C to Councillor Domleo's statement.
- O3 Plan of Congleton. Submitted by Mrs Unsworth.
- O4 Professor Fryer's revised statement.
- O5 WHAG's objections to the subsequent applications on the appeal sites. Submitted by Mr Green.
- O6 WHAG Traffic & Travel Lifestyle Survey Report, April 2015. Submitted by Mr Green.
- O7 WHAG DVD of local traffic conditions and accompanying notes. Submitted by Mr Green.
- O8 Comments on FPCR's grassland assessment for the Appellants. Submitted by Mr Sears.
- O9 Appendices to WHAG's statement.

GENERAL DOCUMENTS

- G1 Extract from Proposals Map Inset No 1 of the Local Plan.
- G2 Plan of suggested route for highways site visit.
- G3 Notice of designation of Congleton Neighbourhood Area relating to the preparation of the Congleton NP.
- G4 Cheshire East BC (Congleton – Padgbury Lane No 3) TPO 2015 and accompanying email.
- G5 Padgbury Lane No Congleton TPO 1992.
- G6 Draft schedule of suggested conditions for appeal A.
- G7 Draft schedule of suggested conditions for appeal B.
- G8 Bundle of emails between the Appellants' solicitors and the Council concerning Documents A8 and A9.