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10th December 2014

Dear Sirs,

Planning Application 14/4938C – Land off Goldfinch Close, Congleton

This is the response from the Congleton Sustainability Group to Planning Application 14/4938C. We note that this application is a re-submission of application 13/3517C, which was refused permission in the CEBC letter to the applicant dated 14th May 2014. We note that at page 63 of their Design and Access Statement the applicant lists the 'minor adjustments' they have made to the original application (13/3517C). We consider these minor changes and other small changes such as the layout of the Albert Place/High Street/Lawton Street junction to be wholly inadequate to address the reasons for refusal and consequently we continue to object to this development and ask that you **refuse permission** for this latest application.

We note that this application includes the 80 dwellings (40 - Land off Goldfinch Close and Kestrel Close (12/3025C) and 40 - Land off The Moorings (12/3028C), which were subject to a combined appeal which was allowed and therefore these two parts of the current application have planning approval. In our opinion the joint appeal decision on both of these developments is consequently material to consideration of the current application and we refer to this decision in our response as deemed appropriate.

In asking you to refuse the current application we set out below the reasons why we consider the applicant has failed to address the reasons for refusal of the original application (13/3517C).

Reason for Refusal No.1 – the proposed residential development is unsustainable

This reason for refusal relates to the non-conformity of the application with Policy PS8 of the saved policies from the Congleton Borough Local Plan First Review (CBLPFR). However, at paragraphs 27 and 28 of his decision letter the Inspector is quite clear that this policy (and others) 'remain constant in strategic planning terms' and are in conformity with paragraph 17 on the NPPF. Consequently, it is right to continue to assess the current application against the requirements of this policy.

Policy PS8 relates to open countryside and requires development to be in conformity with at least one of 8 specified criteria. Paragraph 5.59 of the applicant's Planning Statement refers to Policy PS8 and by implication it could be inferred that they consider that the application is in conformity with this policy. However, in our opinion this application fails to comply with any of the criteria. Notwithstanding this we believe the only criterion the applicant could possibly be referring to is that for infill development, but this requires compliance with Policy H6. H6 also relates to open countryside and we consider the only possible criterion within this policy is again that for infill development. This criterion states that the infill development must be limited – we believe 220 dwellings is far too great to be described as 'limited'. Also the infill development must be within an infill boundary – no such boundary exists at this site.

Consequently we consider the current application fails to comply with policies PS8 and H6 of the CBLPFR.

Furthermore, this development is not in conformity with the Cheshire East Local Plan, which is currently at examination, in that the site is not identified in the Plan. The applicant may argue that the site is identified in the SHLAA; however this document simply identifies possible sites for development and all sites need to be assessed. The exclusion of this site from the submitted version of the Local Plan demonstrates that the site was found not to be viable.

Another element of sustainability of the proposed development that has been grossly over-estimated by the applicant is the numbers of trips by sustainable travel modes - walking, cycling, and public transport. Tables 5.2 and 5.3 of the applicant's Transport Assessment (TA) provide the applicant's predicted numbers of trips by each of these modes.

We have undertaken spot surveys of sustainable travel modes and the results are given in the appendix at the end of this response. The highest recorded figure for walking in the am peak is 6 during a 15 minute period; this would equate to around 24 trips in the peak hour. It is not unreasonable that all people living north of the canal are within easy walking distance of the town centre. There are currently about 300 dwellings between New Street and the canal, consequently, on a pro-rata basis the expected number of walkers in the am peak hour from 220 dwellings would be 18 not the 46 predicted in the TA.

Similarly, for cycling and bus usage our survey shows only 1 cyclist and a maximum of 3 bus passengers. Cycling should be easily achievable from all dwellings north of the railway, about 800 in all; and the bus serves a very significant area south of the development which amounts to in excess of 2000 dwellings. On a pro-rata basis the actual expected number of cycling and bus trips from 220 dwellings would be so small as to be effectively zero. This compares to the 4 and 10 trips respectively for cycling and bus travel predicted in the TA.

The current low levels of trips by sustainable travel modes and our resultant significantly lower numbers of such trips that we predict are easily explainable by the very poor provision for such travel that currently exists.

While the site theoretically meets the requirements for distances to services and the applicant proposes high levels of provision for walking and cycling within the site itself, the

applicant has failed to identify and address or at least take account of key constraints to walking and cycling beyond the site itself that are likely to severely limit the numbers of walking and cycling identified in the TA. These constraints are the very narrow lengths of footway along Canal Road and Canal Street to the north and south of the site. For significant lengths of these roads the footway is less than 1m wide which make it difficult and potentially dangerous for pedestrians walking in opposite directions to pass each other without going into the road. The situation for pedestrians is further exacerbated as the footway on the east side of Canal Street is not continuous resulting in pedestrians, including children going to Daven primary school, crossing and re-crossing the road.

The situation for pedestrians and cyclists (primarily from the western part of the proposed development) who choose to use Howey Lane and Moody Street to access the town centre is not much better. The applicant is wrong in saying that there is a footway on both sides of Howey Lane; there is a section at the southern end and on the immediate approach to the site where the footway is only on one side of the road. The footways of Howey Lane in particular are usually blocked by parked cars during the working day making this route difficult and dangerous for pedestrians who either have to walk in the road or cross and re-cross the road.

In addition, the carriageway of Canal Street and Canal Road (in places) are very narrow particularly at Albert Place where alternate way working occurs. Similarly, Howey Lane and Moody Street are very steep with tight bends (which limit forward visibility) and Howey Lane, in particular, is reduced to alternate way working over most of its length due to parked vehicles. All these constraints would deter all but the most confident cyclists.

Again, while there is a bus service operating 2 journeys per hour during most of the working day along Canal Road and Canal Street, the first bus does not pass until about 8.00am, which is of no use to the majority of workers in Congleton who start work before this time. It is also of no use for commuters travelling further afield as they also start their journeys before the first bus.

The result of this is that most trips from the site will be car based, as workers travel to their place of employment, which, because of the current limited employment opportunities in Congleton could result in a significant proportion travelling beyond Congleton.

In conclusion, this site is far from as sustainable as the applicant has suggested with significantly fewer trips by sustainable travel modes and as a result significantly higher numbers of car based trips than predicted in the TA. Furthermore and as a consequence of this, the development fails to meet all of the Objectives of the Cheshire East Local Transport Plan, in particular Objectives 6 (environment) and 7 (safety) and all Priority Policies S1 through to S8, in particular S4 (public transport), S7 (walking) and S8 (cycling).

Reason for Refusal No.2 – the proposal would result in loss of BMV agricultural land

The current application has done nothing to address the loss of the best and most versatile agricultural land. As a result, we consider this reason for refusal still stands and concur with Cheshire East Council that development of this site is contrary to Policy SE 2 of the submitted version of the CEBC Local Plan.

Reason for Refusal No.3 – adverse impact on the local landscape and its intrinsic character and beauty

In his decision letter the Inspector states at paragraph 35 that the 'finger of land' on the south side of Congleton and north of Lamberts Lane, of which this development site forms a significant part 'has an important role in the setting of the town'. The Inspector went on to state at paragraph 40 of his decision that 'material harm would arise from the direct loss of open countryside and some impact on the character of the area'. However he was satisfied that in this particular instance where the development was limited to two lots of 40 dwellings the material harm could be satisfactorily mitigated. However this is not necessarily the case for the larger development which is the subject of this current application.

We consider the 'minor adjustments' made by the applicant to address the impact of their current significantly larger proposals are wholly inadequate and consequently, to extend the development further into this important area of land would cause very significant harm to the open countryside and to the setting of the town.

In this regard we consider the latest proposals still contravene Policy GR5 of the CBLPFR. In particular views from publically accessible areas, in this case the Lamberts Lane and Howey Lane bridleways, will be unacceptably obscured by the development and/or its proposed planting. Currently there are open views from these bridleways across open countryside towards features such as The Cloud and across the town. With the current proposals these far reaching views would be lost, hemmed in by the development itself and/or the proposed dense planting.

For similar reasons the development is contrary to policies SE4, SE5 and SE6 of the submission version of the CEBC Local Plan. In particular, the proposed site already provides a 'good quality, and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity' (SE6). Up to 3500 dwellings are planned for Congleton and it is very important to provide for the health and wellbeing of the increased population. The bridleways that adjoin or pass through this development are part of a network of public rights of way whose origins are lost in the mists of time. No such network exists adjacent to the planned development to the north and west of Congleton therefore it is all the more important to retain the network on the south side of the town as an important recreational area for the significantly increased population of Congleton.

The ecological survey shows significant biodiversity. Despite the proposed mitigation measures we consider there will be a significant impact on the many species recorded in the ecological survey and the proposed mitigation measures will do little to protect the many species that live or feed in these fields. We are very disappointed there are species missing from the survey – we note no record of Barn Owls was found but these and Tawny Owls are regularly heard in the area. Similarly there is no mention of Buzzards, despite these being regular visitors to the open fields, which are an important feeding area supporting many birds. We have observed that the Buzzards do not search for food in the adjoining residential areas, just the open fields. Residential development of this site will mean these birds will have to forage further afield which could have a detrimental effect on their viability.

The fact that this area supports such a significant range of biodiversity including, at the top of the food chain, Owls and Buzzards so close to the town centre is yet another reason why these fields must be protected from development and remain as a valuable biodiversity resource.

Reason for Refusal No.4 – severe highways harm

While the accesses to this development via the existing junctions of The Moorings and Kestrel Close with Canal Road are probably capable of carrying the additional traffic, albeit we are concerned that visibility to the right at the Kestrel Close junction is substandard, this development will simply add more traffic to an already congested road network that is struggling to cope. This impact is further compounded by the evidence we have submitted that supports our claim that there will be significantly fewer trips by sustainable travel modes than predicted by the applicant, resulting in an even greater number of car-based trips.

It should be noted that with regard to traffic impact the Inspector was clear at paragraph 53 of his decision letter that in allowing the two lots of 40 dwellings that this 'should not be considered as any sort of precedent for further developments in the area'.

There are a number of notable constraints to the free flow of traffic on Canal Road and Canal Street. The most severe of these is the narrowing at Albert Place where informal alternate way working currently occurs as there is insufficient width to accommodate two-way traffic through this pinch point. Others include the narrowing outside Burns Garage just to the south of Albert Place where again alternate way working occurs especially when a wider vehicle (LGV, HGV, bus etc.) is passing this point. On Canal Road the canal bridge restricts flow as higher vehicles need to travel in the middle of the road in order to pass through the centre of the arch and the Canal Road/Leek Road/Moss Lane junction where there is very limited visibility and very significant queuing on Moss Lane which is the eastern end of the rat-run through Astbury village (avoiding congestion through Congleton itself).

Of these constraints the applicant has only addressed the pinch point at Albert Place. The potential for pedestrian/vehicle conflict at this location was raised by the Congleton Sustainability Group and others at the appeal hearings and this was noted and considered by the Inspector who stated at paragraph 51 of his decision letter:

'It is possible that such courteous approaches [to the informal give way] would not always take place and the road width is such that, when vehicles try to pass, they could potentially conflict with the pavement [footway] area'.

The applicant has submitted a revised layout for improvements to this pinch point as shown on their drawing 0011.07 in their TA. With this layout the footway on the west side of Canal Street is widened to 1.5m, but in so doing the carriageway is narrowed even further from the current situation. This layout consequently continues to rely on the informal alternate way working and there is no evidence from the applicant to suggest that the potential pedestrian/vehicle conflict raised by us and others and accepted by the Inspector has been satisfactorily addressed i.e. **we consider this layout to be potentially unsafe.**

Furthermore, this layout completely fails to comply with the principles of the Congleton Public Realm Strategy (PRS). The PRS is critical to ensuring the future economic viability of the town centre; in particular the plan includes key proposals to encourage increased pedestrian footfall to the east of the existing pedestrianized area, i.e. along High Street past the Canal Street junction and onwards along Lawton Street. This section of the town centre is currently blighted by through traffic, principally from Canal Street/Road i.e. the through traffic is a disincentive to shoppers who prefer the perceived safer environment of the pedestrianized area. To be effective the PRS needs to be accompanied by solutions that reduce the amount of traffic passing through the town centre not yet more traffic from yet more development, particularly large developments such as from the current application.

The improvements currently proposed by the applicant bear no resemblance and take no cognisance of the proposals for the PRS in this location. Given the absolute key importance of the PRS to the future of the town centre we consider the applicant's current proposed improvements to be wholly unacceptable.

Cheshire East Council has just awarded £1m to Congleton Town Council for the implementation of the first phase of the PRS. This includes Festival Square which will transform the existing High Street/Market Street junction into 'a vibrant and attractive space that will act as the focus for the town centre' (paragraph 06.02 Public Realm Strategy). The development that is the subject of this application will simply add further traffic passing through what will become the Festival Square and thereby **significantly devalue Cheshire East Council's investment in the Public Realm Strategy.**

Finally, as noted above, the applicant's current proposal for the Albert Place improvements simply further narrows the existing carriageway resulting in the continued informal alternate way working. We believe the applicant's TA is potentially misleading regarding the impact of queuing at this location. We agree that the proposed change in priority at the Albert Place/High Street/Lawton Street junction would reduce the queuing at the junction itself to the negligible levels as stated at Table 7.8 of the TA. However, the queue will simply move to the restriction at Albert Place as traffic is constrained to alternate way working. This means that the queues predicted in Table 7.7 of the TA will still occur but these will be on the approach to the restriction rather than at the junction itself. Table 7.7 is clear that the development on its own will add a further 31 vehicles to the queue which would extend the queue in the order of a further 150m; this is totally unacceptable.

Conclusion

We believe that the sum of all the impacts of this development as set out above is such that the application fails to comply with paragraph 14 of the NPPF in that the impacts significantly outweigh the benefits and we believe that we have demonstrated this in our response.

It is our considered opinion that the 'minor adjustments' made by the applicant to the original application (13/3517C) to create the current application are wholly inadequate to address the reasons for refusal and consequently we continue to object to this development and ask that you **refuse permission** for this latest application.

Yours faithfully

Peter Minshull
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Congleton Sustainability Group

APPENDIX 1

Survey of sustainable travel modes

The following spot surveys of existing travel by sustainable travel modes at peak times was undertaken between Thursday 13th November and Friday 22nd November 2013.

The count was taken on Canal Road at the junction with The Moorings. The raw data, as collected is shown in the table below.

Date and Time	To Town			To Mossley		
	Ped.	Bike	Bus	Ped.	Bike	Bus
Thurs. 13 Nov						
8.30 - 8.45	6	0	2	1	1	0
4.40 - 5.15	4	0	3	1	1	3
Mon. 17 Nov						
8.30 - 8.45	5	0	5	1	0	no bus
4.40 - 5.15	1	1	0	4	0	3
Tues. 18 Nov.						
8.30 - 8.45	6	0	3	1	1	3
4.55 - 5.20	4	0	0	1	3	1