

Application No: 12/0410C

Location: LAND OFF BROOK STREET / MILL STREET, CONGLETON, CHESHIRE

Proposal: Residential Development Off Brook Street, Congleton for 54 no. Residential Dwellings With Public Open Space And A New Footbridge Crossing Over River Dane To Congleton Park

Applicant: Mrs Nichola Burns, Morris Homes Ltd

Expiry Date: 08-May-2012

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and completion of a S106 Legal Agreement

MAIN ISSUES:

- a) Principle of Development
- b) Housing Land Supply
- c) Loss of Employment Land
- d) Affordable Housing
- e) Viability and Deliverability
- f) Design & Layout
- g) Highways
- h) Drainage and Flood Risk
- i) Trees and Landscaping
- j) Ecology
- k) Public Open Space Provision
- l) Residential Amenity
- m) Environmental Health Considerations

1. REASON FOR REFERRAL

This application proposes the erection of more than 10 dwellings and is therefore a major development.

2. DESCRIPTION AND SITE CONTEXT

The application site is located within Buglawton, in close proximity to the Congleton town centre. The site comprises 2.34 ha of largely previously developed land. Dane-in-Shaw Brook runs along the northern boundary of the site before merging with the River Dane, which travels along the western boundary of the site.

The site contains approximately 6800m² of vacant industrial floorspace split between six units varying in size. Two buildings account for the majority of this floorspace. Whilst the buildings and site appear to have been reasonably well maintained, they are showing signs of age having been constructed in the years between 1950 and 1975.

The site hosts a large number of trees, the majority of which line the banks of the River Dane and Dane-in-Shaw Brook. However, there are a number of ornamental trees in the southern half of the site adjacent to buildings and along the site boundary to Brook Street.

Pedestrian and vehicular access to the site can be gained from either Brook Street, via an access off Bridge Row, or from a smaller access off Mill Street in the northeastern corner of the site.

The surrounding area is characterised by long established industrial uses to the north and east, by residential to the south and Congleton Park to the west although this is separated from the site by the River Dane. Small pockets of existing residential development do however exist on the site's immediate eastern boundary along Bridge and Mill Street.

Due to the sites proximity to both the River Dane and the Dane-in-Shaw Brook the site is identified, to varying degrees, within flood risk zones 1, 2 and 3 and has been known to flood (the last event having occurred in 1998).

3. DETAILS OF PROPOSAL

Full planning permission is sought for the erection of 54 dwellings with public open space, and a new footbridge crossing over the River Dane to Congleton Park.

4. RELEVANT HISTORY

08/1236/OUT - Outline application for residential development, close care/retirement units and care home with access sought for approval at the outline stage – Resolved to Approve subject to conditions and S106 agreement (2nd February 2011)

5. POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping

GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	H13 Affordable and Low Cost Housing
NR1	Trees & Woodland
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments
SPD4	Sustainable Development
SPD6	Affordable Housing and Mixed Communities

Regional Spatial Strategy

DP1 'Spatial Principles'
DP2 'Promote Sustainable Communities'
DP3 'Promote Sustainable Economic Development'
DP4 'Make the Best Use of Existing Resources and Infrastructure'
DP5 'Manage Travel Demand; Reduce the Need to Travel, and increase accessibility'
DP7 'Promote Environmental Quality'
W1 'Strengthening the Regional Economy'
W3 'Supply of Employment Land'
W4 'Release of Allocated Employment Land'
L4 'Regional Housing Provision'

Other Material Considerations

Interim Policy on the Release of Housing Land
Interim Planning Statement on Affordable Housing
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

6. CONSIDERATIONS (External to Planning)

Environmental Health:

No objection to the proposed development on the grounds of contamination, noise or air quality subject to the imposition of a number of conditions.

Highways:

No objection - The impact of traffic from the development onto the A54 via the new junction that is proposed for the residential area is negligible when considered against the potential generation from the existing use-class.

The potential traffic generation of the existing use is greater than the traffic generation calculated for the proposed development. It is also reasonable to consider that the reduction in heavy commercial vehicle generation is also considered to offer betterment on the local highway network.

The proposed junction design for the residential development would provide; geometry, visibility and kerb radii to be served at standard from the A54 Brook Street and as an alternative to the access serving the existing site and use-class from Bridge Row. This will offer significant betterment in terms of traffic generation and turning movements.

The proposed development would be acceptable in highways terms subject to conditions and subject to a S106 Agreement comprising of financial contributions of £20,000 towards improvements to local sustainable links including existing footways and £24,000 for the improvement of local bus stops.

Green Spaces:

Following the identification of an additional playground within the vicinity of the development site, which was not taken into account on the outline application observations, and a reduction in the number of dwellings there has been found to be a surplus in the quantity of provision for Children and Young Person's Provision. However, a qualitative deficit has been identified giving the opportunity to enhance and upgrade facilities in Congleton Park to increase its capacity and cater for a wider range of age groups including teenage provision. The financial contributions sought from the developer are;

Enhanced Provision: £ 16,024.75

Maintenance: £ 52,237.50

If the development were to be granted planning permission, there would be a surplus in the quantity of Children's and provision, having regard to the local standards set out in the Council's Open Space Study/Council's adopted local standards.

The response identified a surplus of amenity Greenspace within the area and advised that the provision of on-site Greenspace was therefore unnecessary. However, they also noted that the proposed POS formed an important part of the strategy to ensure flood protection for the site.

Education:

No contribution is required as there is sufficient provision to accommodate the 9 primary and 7 secondary aged pupils generated from the proposed development.

Archaeology:

No objection – Whilst the previous application required archaeological mitigation, the present application area does not include the land between the Dane in Shaw Brook and the Dane. This contains the Washford Mill, which formed the main interest on the site. Consequently, the main justification for the proposed archaeological mitigation does not apply to the present application and no further work is advised.

United Utilities:

United Utilities have not raised any objection to the proposed development provided that the site is drained on a separate system with only foul drainage connected to the main sewer. UU also

noted that existing sewers run across the site which would need to be either diverted or protected by a 6m easement. They advise that if the applicants intend to use Sustainable Urban Drainage Systems to drain the site, further discussions would be needed with UU, the applicants and the Councils drainage engineer.

Environment Agency:

No objection to the development subject to the imposition of conditions. They advise that they are satisfied that the applicants have successfully demonstrated the site can be given an adequate level of protection from fluvial flood risk associated with the River Dane and Dane-in-Shaw Brook.

NATURAL ENGLAND:

No objection, but advise that consideration should be given to the incorporation of features within the scheme which are beneficial to biodiversity.

Friends of Congleton Park:

As part of any planning approval there will be a requirement for the developer to contribute Section 106 funding / Community Infrastructure Levy. Due to the close proximity to Congleton Park of the proposed development, the provision of a direct link from this to the park via a new footbridge, the nature of the dwellings looking to be built which will attract families who need an opportunity to enjoy further the attractions of the park and the fact that quite understandably the removal of a small unsuitable play area from the scheme, we hope that Cheshire East Council when considering Section 106 / Community Infrastructure Levy will favourably support our proposal to use this funding mechanism to develop extra leisure provision in Congleton Park.

7. VIEWS OF CONGLETON TOWN COUNCIL

No objection

8. OTHER REPRESENTATIONS

Letters from 2 neighbouring properties and a small petition signed by 9 residents have been submitted. The concerns expressed are as follows:

- The junction of Bridge Row, Brook Street and Buxton Road is very dangerous
- The road system won't cope with the extra traffic
- Parking for the residents on Bridge Row is already limited
- Proposal may add to bin storage issues on Bridge Row
- Proximity of development to properties on Bridge Row
- Plots 48 – 52 and the development should not be allowed access onto Bridge Row
- Amenities of Bridge Row will be affected
- These properties are susceptible to flooding. The levels and the road leading up to parking on Bridge Row may make this worse

9. APPLICANT'S SUPPORTING INFORMATION

Planning Design & Access Statement
Ecological Assessment
Tree Survey / Landscape Assessment

Noise Impact Assessment
Affordable Housing Statement
Transport statement
Air Quality Assessment
Drainage Assessment and Flood Risk Assessment (FRA)
Phase II Ground Investigation Report
Viability Assessment

10. OFFICER APPRAISAL

Principle of Development

The principle of residential development on the site has been accepted previously by the council's resolution to approve an outline application for 'residential development, close care/retirement units and care home with access' (planning ref; 08/1236/OUT). This application is a full application and seeks approval for the residential development only.

Notwithstanding the previous resolution, as a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. The applicants must address a host of other issues including demonstrating that the development is appropriate in design terms, that loss of employment land would avoid detrimental impact to the local economy and that the site can be adequately protected against flood risk.

The proposals seek to utilise previously developed land, inside the settlement zone and in close proximity to Congleton town centre which offers a good range of shops and services and transport links. On that basis, the application would perform well when assessed against policies DP2 and DP4 of RSS which seek to foster sustainable communities and prioritise re-use of previously developed land within settlements.

This guidance is further supported in para 14 of the recent National Planning Policy Framework (NPPF) which states that at the heart of the framework is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Housing Land Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

The NPPF states that, local planning authorities should have a clear understanding of housing needs in their area. This should take account of various factors including housing need and demand, latest published household projections, evidence of the availability of suitable housing land, and the Government's overall ambitions for affordability.

The SHLAA has put forward a figure of 3.9 years housing land supply. Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5%. This buffer increases to 20% where there has been a record of persistent under delivery of housing. In Cheshire East, there has been an under supply of housing for some time. Consequently, there is still and clearly established need for housing within the Borough and the delivery of this site would assist in relieving the undersupply that currently exists.

Loss of Employment Land

The general thrust of policy E10 is to protect the boroughs employment sites and land supply. However, the policy allows for two exceptions where the site is either no longer financially viable or that its redevelopment would offer substantial planning benefit.

The applicant's previously advised that the remaining buildings are no longer viable for continued economic use with rental income failing to deliver an acceptable level of return when measured against on-going maintenance costs. They argued that their only remaining options, after the current short term tenancies expire, would be to struggle to let the buildings at a rental of 50p to £1 per square foot (purely to avoid having to pay empty rates) or demolish the buildings and clear the site. They consider that redevelopment of the site is acceptable because the buildings are no longer suitable for use and that the scheme offers substantial planning benefits such as removal of poor quality employment space, new employment generation from a care home, improvements to flood risk and removal of HGV movements.

More broadly, the applicant's argued that the borough has more than sufficient employment land supply and large amounts of existing floorspace currently vacant suggesting over-supply, lack of demand or both. At the Councils request, in order to determine whether the site could be redeveloped viably with new employment space, the applicants also submitted a detailed viability appraisal covering a range of development scenarios.

The report concluded that none of the employment development scenarios were viable producing largely negative or unviable returns ranging from - 19% to - 43% producing a maximum profit of only 4%. The applicants have showed that the current scheme would deliver a viable profit level of 20% and that the scheme is therefore deliverable in terms of the NPPF; an important consideration.

It has already been accepted that in general terms, the site is a potentially attractive residential site but has poor access for the present employment uses. Furthermore, the sites current condition, as well as that of the several large industrial warehouse units, is relatively poor and currently stands vacant.

In terms of the current buildings, the evidence presented by the applicants has demonstrated that the buildings are reaching the end of their useful economic life. Whilst such buildings can play an important role in providing low cost employment space, the units are likely to prove

difficult to re-let and require major renovation which has been proven to be unviable. As such, left in their current state, the likelihood is that they will continue to deteriorate or be demolished by the owners, neither of which is an acceptable proposition.

The assessment of the sites itself also serves to demonstrate that it would highly unlikely to be redeveloped for new employment uses. The viability assessment demonstrates redevelopment of the site solely for B1 office accommodation is unviable and that even when a significant amount of residential development is included to provide cross subsidy, the scheme still only demonstrates marginal viability.

It must also be noted that the site in its present form represents inefficient use of land, with approximately half the site cleared and vacant. The fact that the buildings have reached the end of their useful economic life, and refurbishment or redevelopment has been proven unviable, mean that a reason for refusal on grounds of employment land supply is likely to be difficult to sustain at appeal particularly when balanced against the delivery of new housing on an accessible, previously developed site. The requirements of local plan policy E10 have thus been satisfied.

Affordable Housing

Supplementary Planning Document 6: Affordable Housing and Mixed Communities, requires 30% of the development to be classed as affordable housing with a tenure split of 65% social rent, 35% intermediate tenure usually sought. This equates to a requirement of 16 units of affordable housing split as 10 social rent and 6 intermediate tenure. The application includes an undertaking for the provision of 54 homes within the site of which only 20% (11 units) would be affordable. The tenure split being offered is 55% social rent and 45% intermediate tenure housing with a mixture of 2 and 3 bed homes.

The Housing Manager has stated that the proposal does not provide the level of affordable housing required by Supplementary Planning Document 6, (Affordable Housing and Mixed Communities). The level to be provided would be 5 units short of the 16 required. However, the Housing Manager has stated that they would be satisfied with this level of provision provided that there are genuine viability issues.

Viability and Deliverability

The applicants state that the site is subject to a number of abnormal costs and as such, the application is subject to a financial viability appraisal. The abnormal costs identified within the financial viability report are surface water drainage, road abnormal, bridge to Congleton Park, site clearance, retaining walls, foundations, remediation and demolition, Japanese Knotweed, renewable energy, acoustic works.

Whilst it is clearly unfortunate that a higher level of affordable provision cannot be secured in accordance with the requirements of SPD6 and the Interim Housing Policy, policy H13 and the Interim Housing Policy do advise that the Council will consider the economics of provision when assessing affordable housing provision.

Furthermore, the guidance contained within 'Planning for Growth' and the recently adopted National Planning Policy Framework (para 173) makes it clear that Councils will be expected to

consider the impact of planning obligations on the viability and deliverability of development and that such issues amount to important considerations. The NPPF states that:

“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

The report submitted to support the applicant's case was prepared on behalf of DTZ. The report reaches the conclusion that the site abnormal costs and the assumed Gross Development Value would be such that in order to achieve a 20% increase over and above the existing use value, they can only realistically provide 20% affordable provision to reflect the minimum enhancement a landowner would reasonably expect to release the land for much needed housing. On the whole the figures contained within the Viability Report are considered to be robust and are accepted.

This figure reflects the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency. Without such reduction, pressure would be placed on other contributions and positive planning benefits such as the provision of the footbridge lining the development and wider area to Congleton Park. This would be to the detriment of the viability and deliverability of the scheme.

Provided that the developers and the Registered Social Landlord chosen to manage the social rented properties enter into a Section 106 Agreement securing the provision and retention of the affordable housing, it is considered that this renders the proposal acceptable in terms of the provision of affordable housing.

Design & Layout

The proposed layout offers an attractive layout focusing on an area of public open space which, whilst acting also acting flood protection zones, would provide an attractive focal point for the site allowing views and pedestrian access across the river and towards Congleton Park.

The applicants have agreed to provide a footbridge, to connect the site to Congleton Park. In this respect, it is seen as an important feature to enhance pedestrian and cycle connections through the area more generally whilst providing access for the residents of the proposed dwellings to Congleton Park.

In general terms, this proposed layout would encourage views to terminate on active frontages and would reduce the need for long stretches of blank boundary walls except on the private side of the development.

Notwithstanding the mews properties, which would be located towards the northeast of the site, the houses types would vary in terms of their architectural detail but would all be of a similar character and style. The units positioned towards the western portion of the site would be larger detached units to help assist with the transition with the areas of open space and views across to Congleton Park to the west.

Overall, the proposed development would complete the development of this part of Congleton, and as the surrounding development is mixed in terms of its design and style. The proposal would not materially harm the character or appearance of the area and would be acceptable as viewed from the adjacent Dane in Shaw Brook.

Subject to the use of good quality materials, and high quality boundary treatments, which could be secured by condition, the proposed development would not materially harm the character or appearance of the area and would be acceptable in design terms. The scheme is therefore deemed to comply with local plan policy GR2.

Highways

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

The application has been assessed in terms of its impact on the highway network in terms of safety and capacity. The Strategic Highways Manager (SHM) has advised that the difference in traffic flows between the proposed development when measured against the existing use class of the site is negligible and that much of the proposed traffic generation is mitigated by the removal of potential heavy commercial vehicles. He is satisfied that the proposed access directly onto Brook Street offers significant betterment in terms of traffic generation and turning movement over the existing site access from Bridge Row. This will also benefit existing residents along Bridge Row in terms of removal of HGV and car movements.

The SHM has requested an additional sum to improve local sustainable links including footways and bus services (including 2 no. local bus stops) which should be secured within the S106 Agreement. The developer has agreed to pay financial contributions of £44,000 towards these improvements (£20,000 to improve sustainable links and £24,000 towards local bus stop provision).

With respect to parking provision, 86 spaces are proposed (excluding garaging) this equates to 200% for the 3-4 bed properties and 150% for the 2 bed properties. This is considered to be sufficient off-street parking provision within the development site to accommodate the parking requirements of the proposed new dwellings. It should also be noted that whilst the residents of Bridge Row are concerned that the occupants of plots 48 – 52 may park on Bridge Row, the local planning authority cannot control or enforce against parking on public highway. The development would provide sufficient parking within the site to prevent the need and to discourage residents from parking on Bridge Row. The requirements of policies GR1, GR9 and GR18 of the adopted local plan are therefore deemed to have been satisfied.

Drainage and Flood Risk

Because the site lies directly adjacent to the River Dane and Dane-in Shaw Brook, it has been known to flood; the last event having occurred in October 1998. As a result, the site is categorised to varying degrees within flood zones 2 and 3a (3a being categorised as active floodplain as thus most severe).

The applicants propose a number of methods for tackling flood risk which, for the most part, comprises significant cut and fill operations to alter site levels. Site levels would be cut adjacent to the river thus reducing levels and increasing flood capacity while other areas of the site would be filled to increase their height in order to manage flood risk. Areas with reduced height would then be used to form public open space and provide additional flood capacity to compensate for the areas where fill operations had been undertaken. This is a perfectly acceptable approach although it means that the Greenspace Section will not adopt these areas for management. Other methods involve raised floor levels and footways which would also be designed to channel any overland flow back to the rivers.

Following a detailed assessment of the scheme, the Environment Agency have confirmed that they are satisfied that the applicants have successfully demonstrated an adequate level of protection from fluvial flooding from the River Dane and Dane-in- Shaw for the scheme subject to conditions. On the basis of this advice, the applicants have addressed the requirements of paragraph 94 of the NPPF.

Whilst an objection was received expressing concern about the structural integrity of the riverbank and erosion, the Environment Agency, the responsible body for such matters, have raised no concerns about the proposed development in this respect. United Utilities have not objected to the application provided that the site is drained on separate system.

Trees and Landscaping

There are a number of mature trees located on or towards the perimeter of the site and along the boundaries. There are belts of trees along the watercourses and around the boundaries of the site and ornamental trees within the site. The existing tree cover includes some high quality Grade A specimens and trees of nature conservation value.

In landscape terms, the proposed layout appears to have a reasonable relationship with the river Dane and Dane in Shaw Brook. The provision of pedestrian access throughout the site, with the footbridge linkage to Congleton Park is a key benefit of the scheme.

The report notes that whilst the ornamental trees are attractive and generally have good form, they would be difficult to retain due their proximity to buildings for demolition and requirement to break out hard surfacing more generally across the site. It goes on to advise that river line trees contribute most to the local environment and that these will need to be afforded greatest protection during construction.

Following an assessment of the tree survey, the Senior Landscape Officer agrees with the view that trees lining the river and brook be afforded the greatest consideration as part of the redevelopment of the site but expresses some reservations over the ability to assess the impact of cut and fill operations on protected trees and the loss of some Grade A and B specimens.

However, officers are satisfied that the majority of trees along the river line fall outside the boundary of the cut and fill works thereby ensuring any impact is kept to a minimum and that those trees to be lost would not be significant enough to warrant a refusal of permission given that they are not protected. The applicant's agent has confirmed that the cut and fill design undertaken in conjunction with the Arborist in order to minimise the potential impact. As an

additional safeguard, many trees also fall within an 8m bank top zone where development is generally restricted.

Officers are therefore satisfied that, subject to conditions which secure a detailed scheme for tree protection measures, the impacts from the development can be minimised and requirements of policy NR1 addressed.

Ecology

Local Plan Policy NR2 states that proposals for development that would result in the loss or damage of any site or habitat supporting species that are protected by law will not be permitted.

Bats

The initial submitted ecological assessment stated that there are no trees present on site with potential to support roosting bats. There is however, a tree on the edge of the River Dane in close proximity to the proposed bridge that has potential to support roosting bats. Having communicated this with the agent, updated information has been received and this has been verified by the Council's Nature Conservation Officer. He is satisfied that the development will not harm bats but recommends that features for bats are incorporated into the development. In addition there should be no illumination of trees or boundary features that could be used by foraging commuting bats. Proposed lighting should therefore be low level and directional. This also should be made the subject of a condition if consent is granted.

Water Vole

The initial survey was undertaken during an inappropriate time of year to determine the presence/absence of this species and also concern was raised about the impact that the proposed pedestrian footbridge would have on this species. Old evidence of this species was recorded during the 2008 ecological assessment undertaken at this site. In response, the agent has carried out further survey work. The submitted ecological assessment states that an 8m underdeveloped buffer zone will be provided along the watercourses. It is advised that this would be adequate to safeguard any water voles present. The provision of this buffer zone should be made a condition if consent is granted.

Breeding Birds

The boundary features associated with the site have the potential to support breeding birds. As such, conditions requiring surveys to be undertaken are recommended if development is to be carried out during the bird breeding and nesting season. Features for breeding birds (including house sparrow) should be incorporated into the development and should be secured by condition.

Non-native invasive plant species

Two non native invasive plant species, Japanese Knotweed and Himalayan Balsam are present on site. It is recommended that if planning consent is granted a planning condition is attached requiring the submission of a method statement detailing proposals for the eradication of these two species.

Subject to these recommendations being implemented, the requirements of local plan policy NR2, NPPF and the EC Habitats Directive are satisfied.

Public Open Space Provision

The Greenspaces section have confirmed that the site has access to a sufficient level of amenity Greenspace but that the upgrade of the existing play equipment at Congleton Park is required as well as a financial contribution towards its future maintenance. The contributions sought are; £16,024.75 for enhanced provision and £52,237 for future maintenance, both of which can be secured as part of the S106 Agreement.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties (including those on Bridge Row), the proposals would achieve the minimum interface distances advised within SPG2. The scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to the properties situated to the northeast, located on Bridge Row.

With regard to the amenities of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure that there is no direct overlooking of principal windows. There are ground floor windows proposed within the south-eastern side elevations facing the opposite dwellings which would be only 15 metres away and as such it is recommended that these be obscured. Elsewhere, there would be no significant overshadowing, direct overlooking or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Environmental Health Considerations

Noise

The sites location within a mixed-use area directly adjacent to a main road necessitated submission of a detailed noise assessment. The survey concluded that the dominant noise source was road traffic noise, as opposed to industrial, and that noise levels fell into PPG24 Noise Exposure Category B where planning permission can be granted provided steps are taken to ensure an adequate level of protection against noise. These include the provision of a noise attenuation measures for the 2 most sensitive units (i.e. plots 1 and 54 directly fronting Brook Street). These measures would include a 1.8 metre high fence around the private amenity space and the provision of thicker glazing. On that basis, Environmental Health have confirmed that they have no objection to the proposed development subject to conditions securing such noise mitigation.

Contamination

The application was accompanied by a Phase 1 Desk Top Study. Environmental Health has confirmed that they have no objection to the proposed development subject to the imposition of a suitably worded contaminated land condition. It is therefore considered that the proposed development has satisfied requirements of local plan policies GR7 and GR8.

Air Quality

Due to the potential for dust emissions during demolition works, Environmental Health have requested a condition be imposed on any permission to secure an Environmental Management Plan to include details of a dust mitigation strategy to control emissions. This can be secured by

a suitably worded condition thereby satisfying the requirements of policies GR7 and GR8 of the local plan.

11. CONCLUSIONS AND REASONS FOR THE DECISION

The principle of residential development has already been accepted on the site. The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development. Whilst the proposals would result in the loss of an employment site, it has been demonstrated that the site is no longer suitable for economic use because the buildings have realistically reached the end of their useful economic life.

The proposal would be acceptable in design and landscape terms and as such the scheme would not harm the character or visual amenity of the area. There would be no adverse impact on trees or wildlife habitats subject to enhanced wildlife and habitat creation as part of the scheme.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including design, flood risk, ecology and highway safety and the application is therefore recommended for approval.

12. RECOMMENDATION:

Grant approval subject to the completion of a S106 agreement in respect of the Heads of Terms as set out below and subject to the imposition of the following conditions:

Heads of Terms for Legal Agreement

- a) Provision of 20% affordable housing, with a tenure split of 55% social rent and 45% intermediate tenure
- b) Financial contribution of £24,000 towards the provision of two quality partnership standard bus stops;
- c) Financial contribution of £20,000 towards improvements to local sustainable links including existing footways;
- d) Provision of a financial contribution of £16,024.75 towards enhancement of Children and Young Persons off site play equipment in Congleton Park and an associated maintenance contribution of £52,237.50;
- e) Applicants to purchase and install a bridge between the application site and Congleton Park with the precise design, specification and timescale for implementation to be

first agreed by Cheshire East Council (the maintenance and upkeep of which shall be the applicant's responsibility); and

f) Private Management Plan for the on-site amenity green-space and proposed bridges (to Congleton Park and within the application site itself) to be submitted and approved by the Local Planning Authority.

Conditions

1. 3 year time limit
2. Development in accordance with submitted plans inc. access
3. Hours restriction – construction including delivery vehicles.
4. Hours restriction - piling activity.
5. Contaminated land Phase 2 to be submitted
6. Landscape scheme and Management Plan to be submitted
7. Landscaping to include native species for ecological value
8. Implementation of landscaping
9. Survey for breeding birds and protection during breeding season
10. Incorporation of features into the scheme suitable for use by breeding birds
11. Incorporation of features into the scheme suitable for use by bats
12. Submission/approval and implementation of a programme of remedial works to retained trees.
13. Levels in accordance with submitted details
14. Materials to be submitted to and approved
15. Noise mitigation for Plots 1 and 54 to be implemented in accordance with 'Hepworth Acoustics, Report No. 21367.01v1, January 2012' prior to first occupation of these units
16. Detailed scheme for dust mitigation during demolition and construction
17. Details of external lighting strategy to be submitted and agreed
18. Detailed Tree Protection Scheme to be submitted, agreed and fully implemented
19. Scheme for watercourse protection during construction including 8m buffer strip and wildlife corridor to be retained
20. Detailed scheme for compensatory flood storage to be agreed before commencement of development and fully implemented thereafter
21. Surface water regulation to be submitted and agreed
22. Scheme for management of overland flows from surcharging of surface water drains to be submitted and agreed prior to commencement of development
23. Site levels to be in strict accordance with Cut and Fill Drawings unless otherwise agreed in writing

24. New vehicular access to Brook Street to be constructed to base course before other construction works commence and fully implemented before first occupation of any dwellings
25. Site Waste Management Plan to be submitted and agreed
26. Scheme to generate 10% of its energy requirement from low carbon sources in accordance with Policies EM17 and EM18 of the North West Regional Spatial Strategy
27. Precise details of all boundary treatments within the site to be agreed to include public open space and riverside areas or footpaths
30. Precise details of internal footbridge connecting the two areas of POS to be submitted, agreed and fully implemented within an agreed timescale
31. Method statement detailing proposals for the eradication of Japanese Knotweed and Himalayan Balsam.
32. Details of bin storage to be submitted to and approved
33. Removal of PD classes A-E plots 48 - 52

