

Application No: 13/4045C

Location: LAND AT HAVANNAH STREET, CONGLETON

Proposal: Proposed demolition of existing buildings and erection of 17No dwellings, comprising 8No one bedroom flats and 9No two bedroom houses.

Applicant: Mike Watson, Plus Dane Housing Association/STG

Expiry Date: 07-Jan-2014

#### **SUMMARY RECOMMENDATION:**

**Refuse**

#### **MAIN ISSUES:**

- **Planning Policy And Housing Land Supply**
- **Loss of Employment land**
- **Affordable Housing**
- **Ecology and Impact on Wildlife Corridor**
- **Site Layout and Design**
- **Amenity of future residents**
- **Highway Safety, Congestion And Traffic Generation**

#### **REASON FOR REFERRAL**

The application is included on the agenda of the Southern Planning Committee as the proposal is for more than 10 dwellings and is therefore a small-scale major development.

#### **DESCRIPTION OF SITE AND CONTEXT**

This application relates to an area of land in Congleton, situated between Havannah Street and the River Dane, which currently has two industrial buildings and a large expanse of hardstanding. The buildings have been vacant for a number of years, despite efforts to lease them for employment purposes.

The hardstanding area in front of the buildings falls away into the steeply sloping, densely wooded wildlife corridor to the River Dane, which forms the northern boundary of the site.

The area has a mix of industrial and residential development. To the west is Washford Mill, which is a Victorian complex of stone dressed brick mills, which incorporate a working water wheel, which is a Grade II listed building. Immediately adjacent to the southern boundary are a small industrial unit which currently stores and distributes bottled gas

The site is designated in the local plan as being within the settlement zone line of Congleton, in an area at risk of flooding and a wildlife corridor runs along the river which abuts the site. Whilst not allocated the site was previously in employment use.

## **DETAILS OF PROPOSAL**

This is a proposal for affordable housing comprising 3 individual blocks and associated access and parking, accessed via Havannah Street. The Applicant is a Registered Provider. The development will comprise 17 x 2 storey units in three separate blocks and will include a total of 8 no one bedroomed flats and 9 no two bedroomed houses

Eight car parking spaces are formed at the entrance to the site. The 3 blocks of housing and flats are placed on the site in a linear formation within central plateau and will face onto the River and wildlife corridor. There are two blocks of houses with small individual gardens to the rear. The gardens themselves are at a significantly lower level than the neighbouring industrial sites.

Overall there are 20 car parking spaces provided. There is a dedicated bin store with a small area of private amenity space to the front of the proposed flats, which comprises outdoors clothes lines and a small amount of sitting out space.

## **RELEVANT HISTORY**

09/0080/FUL - New build residential development of 22 apartments, bin and cycle stores and associated works. Demolition of existing commercial units and change of use to residential. (Un-determined – S106 Agreement not signed)

## **POLICIES**

### **Local Plan Policy**

PS4	Towns
GR21	Flood Prevention
GR1	New Development
GR2	Design
GR3	Residential Development
GR5	Landscaping
GR6	Amenity & Health
GR7	Amenity & Health
GR8	Pollution
GR9	Accessibility, servicing and parking provision
GR18	Traffic Generation
GR19	Infrastructure
GR22	Open Space Provision

H1	Provision of New Housing Development
H2	Provision of New Housing Development
H4	Residential Development in Towns
E10	Existing Employment Sites

### **Other Material Considerations**

- The National Planning Policy Framework (NPPF)
- SPG1 Provision of Public Open Space in New Residential Developments
- SPG2 Provision of Private Open Space in Residential Developments
- SPD4 Sustainable Development
- Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.
- Congleton Town Strategy

### **CONSULTATIONS (External to Planning)**

#### **Environment Agency**

Objection on basis of the inadequacy of the information submitted with regard to flood risk. Further comment awaited in respect of additional information submitted by the Applicant to the EA. This updated assessment will be the subject of an Update report.

#### **Environmental Health**

No objection subject to conditions concerning hours of work, mitigation strategy for building works to minimise dust, noise mitigation; phase II contamination report

#### **Strategic Highways Manager**

Recommends refusal on grounds of inadequate information and severe impact of the proposed internal road layout upon safety and the lack of ability for refuse vehicles to adequately serve the development.

#### **United Utilities**

No objection but advise that a public sewer crosses the site and they will not permit building over it. An access strip of no less than 6 metres wide, measuring at least 3 metres either side of the centre line of the sewer, is required for maintenance or replacement.

#### **Green Space Manager**

Offers the following comments

##### *Amenity Greenspace*

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

The site layout plan illustrates a linear piece of Amenity Greenspace on site to the frontage of the River Dane.

It has never been the Council's policy to take transfer of areas of POS that have water bodies located in, around or running through them due to the additional liabilities and maintenance implications associated with such areas. Therefore it is recommended these areas of POS be transferred to a management company.

### Children and Young Persons Provision

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

Consequently there is a requirement for new Children and Young Persons provision to meet the future needs arising from the development

The Council recognises that smaller developments will not always practically be able to provide play provision on site where less than 20 dwellings are proposed. Therefore contributions would be sought towards enhancement of play provision within an 800m radius.

Given that an opportunity has been identified for upgrading the capacity of Children and Young Persons Provision within the vicinity of the Development, based on the Council's Guidance Note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development the financial contributions sought from the developer would be:

Enhanced Provision: £ 3,937.51

Maintenance : £ 12,835.50

### **VIEWS OF THE TOWN COUNCIL:**

Congleton Town Council has no objection subject to nearby businesses not being disadvantaged by noise complaints from future residents

### **OTHER REPRESENTATIONS:**

Two local residents object on grounds of -

- Additional parking congestion on surrounding streets, which are already congested
- Increased volume of traffic
- Havannah Street is notorious for its traffic problems particularly during school and work hours. Extra traffic will have a detrimental effect on the narrow section of the street.

5 neighbouring industrial/commercial occupiers, whilst not objecting offer the following comments :

- Noisy industrial environment for future residents of the proposed dwellings 24 hours a day, 365 days a year

- Potential adverse impact upon neighbouring businesses through complaints being made by future residents
- Need for 2m boundary between proposed garden areas and neighbouring commercial premises
- There is approximately 15 to 20 tons of asbestos on the site from an old building which was demolished in the central area of the site. None of the asbestos has ever been removed from the site.

## **APPLICANT'S SUPPORTING INFORMATION:**

A full package of supporting information has been submitted with the application including;

- Supporting Planning Statement
- Design and Access Statement
- Ecological Assessment and Mitigation Statement
- Transport Assessment
- Phase 1 Contamination Assessment
- Arboricultural Assessment
- Noise Report
- Flood Risk Assessment

All of these documents are available in full on the planning file, and on the Council's website.

## **OFFICER APPRAISAL**

### **Principle of Development**

Members will be aware that The National Planning Policy Framework published in March 2012 superseded a number of National Planning Policy Statements and consolidates the objectives set within them. The Framework sets out a presumption in favour of sustainable development.

Paragraph 49 advises that;

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"*

Members will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

*"Approve development proposal that accord with the development plan without delay, and*

Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;

- **any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or**
- *Specific policies in this framework indicate development should be restricted”*

Notwithstanding this requirement, this scheme is located within the Settlement Boundary, within a mixed areas of residential and employment land uses close to a range of local amenities and is considered to be locationally sustainable. Accordingly, there is an in principle presumption in favour of the development in accordance with paragraph 49 of the NPPF.

The application therefore turns on whether there are any adverse impacts that would so significantly and demonstrably outweigh the presumption in favour of the development. These are considered below;

#### **Loss of employment use of the site**

Paragraph 17 of the NPPF Core Planning Principles states that the planning system should:

*‘Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*

Paragraph 22 advises that:

*‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’*

Paragraph 51 goes on:

*‘Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.’*

Policy E10 of the Local Plan states :

*“Proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.*

*In considering whether the site is no longer suitable for employment uses account will be taken of:*

- 1. The location of the site or premises and the physical nature of any building*
- 2. The adequacy of supply of suitable employment sites and premises in the area*
- 3. Whether reasonable attempts have been made to let or sell the premises for employment uses*

*In considering whether there would be a substantial planning benefit from an alternative use account will be taken of:*

- a) Any benefits in terms of traffic generation, noise or disturbance to amenity*
- b) The impact the proposal would have on the environment and economy of the local area*
- d) The need for the proposal and its potential contribution to the local area*
- e) The requirements of other relevant policies of the local plan*

The units on the site have been vacant for over 14 years. Anecdotal evidence from the Selling Agent (Timothy A Brown) suggests that approximately 5-10 people were employed when the various business users last operated from the premises in the past.

The Site was marketed from 2000 – 2008 by Timothy A Brown on the basis of continued commercial/industrial use, with little interest being expressed from the market.

The Site was acquired in 2008/9 by Jephson Housing to develop 22 units for Affordable Housing. Jephson Housing received a resolution to grant planning permission subject to S106 Agreement. However, they did not proceed and the Site has remained on the market for a range of uses subject to Planning Permission being granted since 2009. Plus Dane Housing Group is currently bidding for Grant Funding to develop the site and is optimistic of securing funds in the New Year.

It is therefore considered that *reasonable attempts have been made to let or sell the premises for employment uses*. The lack of interest in the premises, indicates that they are unlikely to be physically suitable for modern employment use and that there is likely to be an *adequate supply of suitable employment sites and premises in the area*. *The proposed affordable housing, and increase in housing land supply also represent a substantial planning benefit.*

Given the history of this site, together with the general thrust of the NPPF concerning the re-use of brownfield sites, it is considered that the loss of the employment use of the site is acceptable in principle, and has already been accepted by virtue of the previous resolution to approve.

## **Impact on character and appearance of the area**

Local Plan policies GR1, GR2 and GR3 address matters of design and appearance, that Policy GR1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy GR1 requires new residential development to create an attractive, high quality living environment.

Policy GR2 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

The proposed blocks are 2 storeys in height and sit at a lower level than the commercial neighbours on Havannah Street. They comprise brick facings and gable roof forms. The block of flats have an area of private amenity space to their frontage. 20 car parking spaces are arranged throughout the site, with 8 no spaces sited at the site entrance, where the site is at street level. With distance into the site the levels slope away further towards the River. The buildings, being located immediately adjoining the rear of the commercial premises on Havannah Street are in a backland setting that is shrouded by existing buildings on Havannah Street.

It is considered that the proposed development would adequately reflect the local mixed character and the overall scale, density, height, mass and materials of the dwellings would be sympathetic to the character of the local environment and would comply with policies GR1, GR2 and GR3 of the Local Plan.

## **Ecology**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("The Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that, since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met, then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely, if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF. In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted.

In this case the Council's Ecologist has examined the application and made the following comments.

The River Dane runs through the site to the southern boundary. A 1.8 m high fence is proposed to be installed to the bank of the river for the safety of proposed residents.

A buffer of 5 -10m is proposed between the development and the adjacent River Dane. The Council's Ecologist advises that this is adequate to safeguard the wildlife corridor.

Subject to conditions, therefore the integrity of the Wildlife Corridor can be adequately maintained

### **Amenity**

The residential development site is located in an area of "mixed use development". The south western boundary is adjacent to commercial premises and the north western boundary is the River Dane beyond which lies Eaton Bank Industrial Estate and Daneside Business Park. Although there are residential properties further along the same street, there are no adjacent dwellings, which could be affected by the proposed development.

The proposed development will front the River Dane, with rear elevations containing bedrooms, kitchens and amenity areas adjacent to the commercial units adjacent to Havannah Street commercial premises, particularly the Bottled Gas facility immediately to the front of the middle block. The Noise report submitted in support of this application considered the site at appropriate times of the day and night, including when the adjacent bottled gas facility was receiving deliveries at 6 am in the morning.

*A Noise Impact Assessment has been submitted with the application.* The Environmental Health Officer has considered the report and confirmed that no noise complaints have been received concerning commercial/ industrial noise from existing noise sensitive premises on Havannah Street. Following a review of the applicants submitted acoustic report and suggested mitigation in the form of acoustic attenuation, the Environmental Health Officer considers that the noise environment for future residents will be satisfactory.

In this regard the concerns expressed by neighbouring commercial occupiers about their future noise complaints by future residents can be satisfactorily addressed by noise attenuation so that the noise environment on this site is not considered to be likely to materially affect the future amenity of residents to impact upon the functions of commercial neighbours.

The proposed dwellings are sited on the footprint of the existing industrial premises on site. The rear gardens abut a circa 3m high retaining wall beyond which are adjoining commercial premises, at a higher land level on Havannah Street. Each house has a kitchen/diner at ground floor and a bedroom at 1<sup>st</sup> floor. The outdoor amenity space for the dwellings is approximately half the adopted standard of 65 sq m within the adopted SPD within the Plan, although there is sufficient space for clothes drying, bin storage and a small amount of sitting out space within individual plots.

Given the orientation of the rear gardens and the tall retaining wall which dominates the rear aspect, these areas are not likely to receive significant amounts of daylight or sunlight for most of the year. Whilst this is not ideal, on balance, given that the size of rear amenity spaces proposed are in keeping with the existing terraced housing in the area and the availability of amenity via the river setting of the site, the substandard provision is considered acceptable in this case.

### **Affordable Housing**

The Applicant, Plus Dane, are a Registered Provider. This site has been put forward as a replacement for the Tall Ash Farm scheme which the Applicant is not presently perusing.

The site is located in the Congleton sub-area for the Strategic Housing Market Assessment Update 2013 (SHMA), which identified a need for 58 new affordable homes each year made up of a net requirement for 27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 bed older persons units. This is a total need of 290 spread over the 5 years (2013/14 – 2017/18) covered by the SHMA. The SHMA identified an oversupply of 49 x 2 bed properties and 12 x 2 bed older persons properties which is why the net total requirement is 58 new units per year.

In addition to the information taken from the SHMA, on the Cheshire Homechoice waiting list, there are currently 610 applicants on the housing register who require social or affordable rented housing in Congleton. These applicants require 207 x 1 beds, 227 x 2 beds, 116 x 3 beds, 11 x 4 beds and 1 x 5 bed (48 applicants haven't specified how many bedrooms they require).

Under Welfare Reform Act, Housing Benefit will not be paid on unoccupied bedrooms and will bring an increased demand for smaller properties. There are already a large number of applicants for 1 and 2 bed properties in Congleton and the welfare reform changes will increase the pressure on this kind of accommodation with applicants looking to downsize.

Whilst the SHMA shows an oversupply of 2 bed accommodation it is the current view of the Housing Manager that based on the Cheshire Homechoice evidence and the recent welfare

reform changes there is a greater need for new affordable 1 and 2 bed properties which have yet to filter through the evidence base.

## **Highways**

The Strategic Highways Manager has considered this proposal within the context of the scheme that was resolved to be approved in 2008 and advises that there are significant differences between the two schemes in both Manual for Streets terms and the ability for the internal layouts to operate in a safe and convenient manner. The previously accepted layout does therefore not set a precedent for the current proposed layout arrangements.

### Access

Access to the site is proposed from the existing access with Havannah Street.

No detailed and quantified assessment is provided of speeds or visibility available at the site access. The Strategic Highways Manager would generally expect consideration of such matters in the Transport Statement but such data is not provided.

There are no recorded safety issues along the frontage. However the site has been vacant for 14 years and it has had no traffic generation in this time and one would not expect accidents at this junction. This point is not considered by the Applicants Transport Statement. More information is required by the Strategic Highways Manager (SHM) in this regard.

However, despite some reservations about the information submitted the SHM accepts that the proposed site access is suitable for the intended use and that net traffic generation beyond that for the lawful industrial uses would be minimal.

### Site Layout

The internal layout does not comply with Manual for Streets principles. The layout appears to indicate a single footway into the site which reduces to a width well below adoptable standards before finishing at parking alongside the carriageway. Beyond this point it seems to be intended that the road continues as a shared surface.

No commentary has been provided regarding refuse collection or deliveries at the site. However, it appears that refuse lorries will be expected to enter site given the siting of a refuse store adjacent to plots 10/11. The Highways Manager requires tracking data to be provided in this instance particularly as parking is indicated in the area which it appears will be used as a turning head. No such data has been provided.

Parking is distant from individual plots rather than within their curtilage. Whilst, this could be overcome, the provision of 8 no spaces directly by the site access on Havannah Street is particularly remote from the plots they will be serving.

Where footways do not exist within the development there is no indication that service strips are to be provided.

The SHM does not consider the proposed layout to be adoptable at any future date as it has not been designed to adoptable standards. There is also concern about the potential for conflict between pedestrians and vehicles within the site.

### Parking

Current parking standards require one space per dwelling for one-bedroomed dwellings in a sustainable location such as this. Two spaces per dwelling are required for two-bedroomed dwellings. Standards would therefore dictate provision of 26 car parking spaces.

20 spaces are proposed and these are located away from dwellings with 8 of those space alongside the access road some distance from the dwelling they serve. Any displacement of parking from this site would be problematic in the area, and parking problems in the area have been raised by residents and local businesses alike.

There is a shortfall of 6 spaces and whilst this is a highly sustainable location, there is no cycle parking facilities proposed within the layout. Whilst a condition could be imposed to require cycle parking facilities, it would require the potential loss of further parking spaces.

However, the Strategic Highways Manager advises that legibility and the lack of pedestrian facility and service margins within the proposal is of real concern.

It is accepted that the previous scheme of flats represents a realistic fall back position. However, there are significant differences between the two schemes and the Highways Manager considers that the current proposal is likely to lead to conflict and will lead to 'severe' problems in terms of conflicts within the site.

The NPPF advises that only severe highways impacts should warrant refusal of permission.

This scheme would need to be significantly revised to address the concerns expressed. The Applicant may revise the scheme to address the concerns, which may lead to a layout that is accepted by the Strategic Highways Manager, in which case an update report will be prepared.

At the time of writing, the layout is considered to be unacceptable in safety and congestion terms. This is a reason to refuse the application.

### **Drainage and Flooding**

The Environment Agency and United Utilities have been consulted on the proposals. Whilst Untied Utilities have no objection to the proposal, the Environment Agency have objected on basis of the inadequacy of the information submitted with regard to flood risk.

Additional information has been submitted to address this concern and this has been forwarded to the Environment Agency. Further comments were awaited at the time of report preparation and these will be the subject of an update report.

### **Greenspaces**

The Council's Greenspaces Officer has been consulted on the proposal and raised no objections subject to a private residents management company being established to maintain the on-site open spaces and a commuted sum of £16,773.01 towards off-site provision and maintenance of children's play space. This could be secured through a Section 106 Agreement.

### **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications and appeals which involve legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

For the purposes of any appeal the following Heads of terms would apply

Children and Young Persons Provision commuted sum payment of:

Enhanced Provision: £ 3,937.51

Maintenance : £ 12,835.50

And the formation of a Management Company for the future management of the areas of open space within the site

For the purposes of any appeal, the commuted sum in lieu of childrens play and recreation provision is necessary, fair and reasonable, as the proposed development would provide 9 family sized dwellings, the occupiers of which will use local facilities as there is no recreational facilities on site, as such, there is a need to upgrade/enhance existing facilities. The contribution is therefore in accordance with the Council's Supplementary Planning Guidance.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

### **Conclusion**

This site is within the existing urban area and is considered to be highly sustainable. The site has been vacant for 14 years and is unattractive in the environment. The re-use of brownfield land is supported in the NPPF and this would contribute to a well known housing need in Congleton.

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, housing supply policies are not considered up to date. In the light of the advice contained in the newly adopted National Planning Policy Framework, where the development plan is "absent, silent or relevant policies are out of date" planning permission should be granted unless

*“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

Or

*“specific policies in this Framework indicate development should be restricted.”*

The Development plan is not absent or silent with regard to this application. However, in the absence of a five year supply housing land supply, policies are not considered up to date. Given the sustainable nature of the proposal, there is a strong presumption in favour of the development unless adverse impacts would weigh further against the proposal than the matters that weigh in favour of the proposal.

The proposal is considered to be acceptable in terms of its impact upon residential amenity of existing and future residents and subject to appropriate noise measures the residential use of the site in such close proximity to commercial premises can exist without impacting upon the commercial activities of those adjacent.

A suitable Section 106 package could be achieved which is considered to be compliant with Section 112 of the CIL Regulations to enable the proposed development to provide adequate public open space and recreational facilities as a direct consequence of the development in the form of commuted sum payment to improve facilities in the area which will be utilised by the future residents and the need for a management company to manage the on site open space.

However, the poor road layout and the potential hazards associated with it are considered to weigh heavily against this proposal in its current form and , in terms of the planning balance, this is considered to significantly and demonstrably outweigh the benefits of the scheme in terms of the provision of additional housing and the re-use of Brownfield land in a sustainable location.

## **RECOMMENDATION**

**Refuse for the following reason:**

**The proposal, by virtue of its internal layout , lack of sufficient parking provision and the lack of information concerning access junction geometry and visibility and the tracking of service vehicles within the site would lead to dangerous and conflicting movements between pedestrians and vehicles within the site and on Havannah Street which would be severely detrimental to the safety of pedestrians and result in the parking congestion in the surrounding streets by virtue of increased parking. As such the proposal is contrary to Policy GR9 of the Congleton Borough Local Plan First Review and Paragraph 32 of the NPPF**

**In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Southern Area Manager has delegated authority to do so in consultation with the Chairman of the Southern**

**Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should this application be the subject of an appeal, authority be delegated to the Southern Area Manager in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

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