

Application No: 14/0659C

Location: FORGE MILL, FORGE LANE, CONGLETON, CW12 4HF

Proposal: Outline planning application for the redevelopment of Forge Mill for residential development (C3) for 48 units including associated parking, landscaping, creation of a nature area, open space and off-site highway works to Forge Lane.

Applicant: EMC Properties (Cheshire) Limited

Expiry Date: 28-Apr-2014

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and the prior completion of a S106 Legal Agreement relating to affordable housing; residents management agreement for the open space on site, commuted sum payment in lieu of the loss of lowland grassland, financial contribution to the creation of TRO's and Quiet Lane creation on Forge Lane

MAIN ISSUES:

- Principle of Development
- Housing Need
- Affordable Housing
- Sustainability
- Design & Layout
- Landscape Impact
- Highways – access and safety
- Trees & Landscaping
- Ecology

REASON FOR REPORT

This application proposes the erection of more than 10 dwellings and is therefore a major development. In accordance with current practise for major development proposals within the Congleton area, this application is presented to the Northern Planning Committee for determination.

DESCRIPTION AND SITE CONTEXT

This application relates to a brownfield site of 7.44 hectares situated at the end of Forge Lane just outside of the settlement boundary of Congleton. The site is bounded by the River Dane to

the east and Forge Wood to the west. Access to the site is by way of a single point off Forge Lane.

Forge Lane is approximately 400 metres in length, narrow and steeply sloping. The Lane connects to the A34 West Road to the south which is the main arterial road running east to west through Congleton. The site lies approximately 1 km to the west of Congleton town centre. Parts of the site are in different Flood Risk Areas, the scheme has been revised to site all dwellings in Flood Zone 1, with some parts of the roads within Zones 2 and 3 (the areas of greatest risk)

The site itself comprises two distinct areas of land; at its southern end towards the site entrance there is the area of previously developed land comprising the site of the former Forge Mill complex, its hardstanding and parking areas.

DETAILS OF PROPOSAL

This application seeks to establish the principle of the redevelopment of this previously developed site for 48 detached, semi detached and mews style dwellings together with landscaping, open space and parking for this development, together with the creation of a nature conservation area and associated environmental enhancements. The development also includes off site highway works along Forge Lane. All dwellings are 2 storey. All matters are applied for at this stage with the exception of appearance which is reserved for future consideration.

The proposal is to contain the majority of the residential development within the southern 'built' area of the site and on part of the grassland immediately adjoining to the north. The remainder of the land to the north will form open space, landscaping and comprises the areas of flood mitigation. To the east of the built area will be a retained wildlife area to which there will be no public access and an area of open space will be maintained as a wildlife area .

The application site also incorporates the length of Forge Lane to accommodate the creation of the 'Quiet Lane' to address issues previously raised by the Strategic Highways Manager in pre-application discussions.

RELEVANT HISTORY

13/2623C - Redevelopment of Forge Mill for residential development (C3) for 46 units including, associated parking, landscaping, creation of a nature area, open space and off-site highway works to Forge Lane (outline) Withdrawn 30 October 2013

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004).

Policies in the Local Plan

PS3	Settlement Hierarchy
PS6	Settlements in Open Countryside
PS8	Open Countryside
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
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
GR23	Provision of Services and Facilities
E10	Existing Employment Sites
H1 & H2	Provision of New Housing Development
H6	Residential Development in the Open Countryside
H14	Affordable Housing in Rural Parishes
NR1	Trees & Woodland
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

National Policy

National Planning Policy Framework

Other Material Policy Considerations

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

Interim Planning Policy: Release of Housing Land (Feb 2011)

Interim Planning Statement: Affordable Housing (Feb 2011)

Strategic Market Housing Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

North West Sustainability Checklist

Submission Version Core Strategy

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Cheshire East Local Plan Strategy – Submission Version

PG2 – Settlement Hierarchy
PG5 - Open Countryside
PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE1 - Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 - The Landscape
SE5 – Trees, Hedgrows and Woodland
SE9 – Energy Efficient Development
SE13 – Flood Risk and Water Management
IN1 - Infrastructure
IN2 – Developer Contributions

CONSULTATIONS (External to Planning)

Environmental Health Officer

Noise

The acoustic environment at this location is substantially affected by:

- 24/7 industrial noise from Tandom Meturligical – a metal recycling plant and Airbags International – manufacturing plant. *Presently Airbags is 254M from the nearest noise sensitive property, and Tandem is 291M. With this development in place these distances will be reduced to 151M and 127M respectively.*
- *Tandoms activities are Regulated by the Environment Agency (this includes noise)*
- the noise climate at is dominated by bangs, clangs, crashes, scrapes, collapsing metal stockpiles of an industrial nature – short bursts of maximum noise events.

It is the Environmental Health Officer's (Noise) view that the industrial noise source is a 24/7 noise source which would cause a substantial loss of amenity to future occupiers of the noise sensitive dwellings at this location.

The indoor living environments will depend on extensive mitigation measures to achieve a satisfactory acoustic environment. It is the view that measures can be taken to achieve this internally, however, the EHO remains concerned (and recommends refusal on this basis) that the external noise environment in gardens within some of the properties will exceed World Health Organisation Guidelines for noise levels and will potentially result in noise complaints from new residents. The concern is that this will necessitate mitigation to be provided at the expense of the nearby commercial occupiers who are the noise source.

Air Quality

The development lies within 300m of the West Road Air Quality Management Area (AQMA) which was declared as a result of breaches of the European Standard for Nitrogen Dioxide (NO₂).

Any increase of concentrations in an AQMA is considered significant as it is directly converse to our local air quality management objectives. Conditions are recommended concerning car charging and travel plan provision

Dust Control

A condition should be attached to control dust emissions arising from demolition / construction activities on the site.

Contaminated Land

This application site is adjacent to an existing industrial estate and therefore, the land may be contaminated.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Contaminated Land officer recommends that further investigations are required to allow the preparation of a suitable remedial method statement.

A Phase II investigation shall be submitted and approved in writing and any remediation works carried out as necessary.

Highways

No objection subject to conditions concerning detailed design of interior estate road layout and design controls for Forge Lane and a S106 agreement the funding of Traffic Regulation Orders for Forge Lane and the provision of the 'Quiet Lane' on Forge Lane.

Strategic Housing Manager

The Councils Affordable Housing Interim Planning Statement states that Cheshire East Council will seek provision of 30% affordable housing on any sites over 15 units, with a tenure mix of the affordable housing of 65% rented affordable housing and 35% intermediate tenure.

The Housing Strategy and Needs Manager raises no objection to the application, subject to securing the affordable housing by way of a s106 Agreement.

Environment Agency (EA)

No objection in principle to the proposed development subject to conditions concerning minimum floor levels for dwellings and roads, surface water run off, ecology, contaminated land, provision of undeveloped buffer zones to the River Dane.

No objection to the introduction of noise sensitive end users on this site.

United Utilities (UU)

No objection to the proposed development provided that the following conditions are attached to any approval: -

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

University of Manchester (Jodrell Bank)

No objection subject to standard condition concerning electromagnetic shielding

Education

Local Schools in both the primary and secondary sector have capacity to meet the demand from this development. No financial contribution requested.

VIEWS OF THE TOWN COUNCIL

Congleton Town Council: No objection subject to Forge Lane being improved and considerations by Highways of the provision of a right turn lane at the junction of Forge Lane with the A34 and S106 funds to be provided for the Urban Realm strategy

OTHER REPRESENTATIONS

2 representations have been received from one nearby business (Airbags) and one neighbouring resident, making general observations concerning the need for landscaping for noise screening purposes and the fact that the local resident on Forge Lane has no issues to raise concerning the development, rather the resident refers to the Town Council request for a right turn lane which they do not support.

The formal representations submitted by neighbours are available to view in full on the case file and web site.

APPLICANT'S SUPPORTING INFORMATION

- Supporting Planning Statement Incorporating an Affordable Housing Statement and marketing report
- Highways Assessment
- Protected Species Habitat Survey
- Tree Survey
- Arboricultural Implications Assessment
- Landscape Impact Assessment
- Contaminated Land Assessment
- Noise Assessment including additional assessment and response to EHO consultation

All documents are available to view on the web site.

OFFICER APPRAISAL

Principle of Development

The application site lies outside of the settlement boundary for Congleton and within the open countryside as defined by the adopted Congleton Borough Local Plan First Review. The site is also a former employment site to which Policy E10 of the Plan applies.

Members will be aware that the National Planning Policy Framework marked a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

it is the Council's current position that the necessary 5 year housing land supply plus buffer has been achieved therefore Paragraphs 14 and 49 of the NPPF are not engaged. It is recognised, however that the site is located close to the Settlement Boundary, close to a range of local amenities and is considered to be locationally sustainable and would deliver housing to the supply chain which would keep housing supply coming forward as required by the NPPF.

There also would be a number of benefits should the development proceed which would need to be assessed against the disbenefits within the planning balance. 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*
- 1. The adequacy of supply of suitable employment sites and premises in the area*

2. *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*
- c) The need for the proposal and its potential contribution to the local area*
- d) The requirements of other relevant policies of the local plan*

Until April 2012 Forge Mill was occupied by Busch, an industrial engineering company. At this time the firm who retained 35-40 employees vacated the premises and relocated their staff and business within Cheshire East to a more suitable location in Crewe.

Forge Mill contained a gross floor area of approximately 3,594 square metres (38,690 square feet). The Mill has now been demolished following extensive fire damage in April 2013 following an arson attack. There are no longer any buildings which could be reused for employment purposes. The site is at the bottom of a long lane which does not have a main road frontage.

The Site was marketed from 2012 by Savills, informally to adjoining industrial occupiers, who demonstrated no interest on the basis of continued commercial/industrial use, with little interest being expressed from the market.

The following marketing has been undertaken by Savills

- § Board- A marketing board was erected to the access gate to Forge Mills on the corner of West Road and Forge Lane.
- § Brochure – A brochure was formulated, highlighting the buildings availability
- § Direct Mailing- Savills Industrial have extensive mailing lists of occupiers within the North West region and the brochure was circulated to the following:
 - § All active Industrial agents within the North West
 - § All industrial occupiers within the North West with 10+ employees
 - § All active enquiries relevant to the subject building in terms of geographical and size
- § Internet - The site was also published on the Savills website and it remains so.

Savills received a total of 15 enquiries following the introduction of the marketing. The majority came from speculators/investors who were keen to secure the building and land at discounted

levels. Other interest came from residential developers. None of the enquiries reached the stage of seeking a viewing.

Feedback from interested parties are summarised as follows:-

- § The existing buildings are in an extremely poor condition and no longer suitable for modern commercial operations.
- § There will be high remediation costs associated with the redevelopment of the site which would not be economic for alternative commercial uses.
- § The sites location along a single tracked access road is unattractive to commercial developers.

Additionally when the building had been ransacked by intruders, all interest in occupying the building for employment purposes fell away. It was then subject to an arson attack which left the building unsafe and it was demolished on health and safety grounds. Rubble from that demolition remains.

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 site, indicates that is unlikely to be physically suitable for modern employment use and that the Employment Land Review indicates there to be an adequate *supply of suitable employment sites and premises in the area*. It is therefore considered that the tests within Policy E10 have been satisfactorily met.

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.

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 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 clearly states at paragraph 49 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.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2014 the Council published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The Position Statement set out that the Borough's five year housing land requirement as 8,311. This is based on the former RSS housing target of 1150 homes pa – mindful that the latest ONS household projections currently stand at 1050 pa. This was also calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the *Five Year Housing Land Supply Position Statement* demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Members will be aware that the Housing Supply Figure is the source of constant debate as different applicants seek to contend that the Council cannot demonstrate a five year supply. This has been the source of the many and on-going appeals as the Council's defends its position against unplanned development. Despite the high number of appeals only a limited number of decisions have been determined at this time, but they in themselves demonstrate the apparent inconsistency of approach.

Elworth Hall Farm, Sandbach (11 April 2014). It was determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be. 1150 dwellings pa was the agreed target figure. The Inspector accepted the use of windfalls but considered a 20% buffer should be employed

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during the last few months and more are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 6.11 year housing land supply with a 5% buffer or 5.35 year housing land supply with a 20% buffer.

Dunnocksfold Road, Alsager (14 July 2014). Inspector considered that the RSS figure was now historic and that the SHMA, SHLAA and populations forecasts were more recent along with the emerging Pre-Submission Core Strategy which proposes a target of 1350 dwellings pa. 1350 should therefore be the target (6750 as a 5 year supply figure). The Inspector also accepted the appellants backlog figure but agreed that a 5% (not 20%) buffer should be applied. However the use of windfalls was rejected. This gave a five year requirement of 10146 dwellings or 2029 pa. This results in a supply figure of 3.62 years. Even using the Council's assessed supply figure of 9897 this only provided 4.8 years of supply.

Members should note that this Inquiry also took place just a few days after the introduction of the position statement when there was little or no time to prepare the full evidence case.

Newcastle Road, Hough (14 July 2014). In the absence of evidence to the contrary the Inspector accepted the position statement and that the Council could demonstrate a five year supply - 5.95 years with 5% and 5.21 with a 20% buffer. It was also considered that the RSS figures of 1150 pa represented the most recent objectively assessed consideration of housing need.

There is hence little consistency over the treatment of key matters such as the Housing Requirement, the Buffer and use of windfalls.

This state of affairs has drawn the attention of the Planning Minister Nick Boles MP who has taken the unusual step of writing to the Inspector for the Gresty Oaks appeal (14 July 2014) highlighting that the Planning Inspectorate have come to differing conclusions on whether Cheshire East can identify a five year supply. While he acknowledges that decisions have been issued over a period of time and based upon evidence put forward by the various parties he asked that "especial attention" to the evidence on five supply is given in the subsequent report to the Secretary of State. It is therefore apparent that the Planning Minister does not consider the matter of housing land supply to be properly settled.

Taking account of the above views, the timing of appeals/decisions the Council remains of the view that it has and can demonstrate a five year supply based upon a target of 1150 dwellings per annum, which exceeds current household projections. The objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Open Countryside Policy

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF— and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, in the context of this site which is a derelict brownfield site within open countryside which is not of intrinsic value or character in terms of Paragraph 17 open countryside policy is not determinative.

Affordable Housing

The site is located in the Parish of Congleton. Housing Need has been assessed in this area primarily as the proposal would be serving this area.

The SHMA 2010 shows for the Congleton area there is an identified need for 33 new affordable homes each year made up of a net requirement for 7 x 1 beds, 3 x 3 beds, 13 x 4/5 beds and 15 x 1/2 bed older persons units. This is a total need over the 5 years (2009/10 – 2013/14) of the SHMA of 165. The SHMA identified an oversupply of 5 x 2 bed properties which is why the net total requirement is 33 new units per year. There have been 120 units of affordable housing delivered in Congleton since 2009/10. Accordingly, there is still a requirement for circa 45 additional affordable dwellings to be provided for Congleton within the 5 years of the SHMA period. This is considered to be a significant material consideration which weighs in favour of this proposal.

Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 452 applicants on the housing register who require social or affordable rented housing in Congleton. These applicants require 175 x 1 beds, 142 x 2 beds, 70 x 3 beds and 6 x 4 beds (59 applicants haven't specified how many bedrooms they require). 109 of the applicants who require a one bed and 42 who require a 2 bed have indicated they would consider a flat.

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

Thus in the light of:

- the evidence of need demonstrated by the SHMA and Cheshire Homechoice,
- the changing nature of the welfare reforms which are likely to result in the need for smaller properties,
- previous appeal decisions which have considered the use of sites within open countryside to serve the needs of adjacent urban areas to be acceptable in principle in terms of the provision of affordable housing

it is concluded that there is a need for the affordable housing the site will generate. As such, the principle can be supported.

With regard to the issue of type and tenure, the tenure mix of the affordable units being offered by the applicant is 4x1 bed roomed social rented units; 3 x 2bed for social rent and 3x 2 bed of intermediate tenure and 2 x 3 bed social rent and 2 x 3 bed intermediate. This equates to the full 30% in the appropriate 65:35 split. This is acceptable to the Strategic Housing Manager.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and relates to current planning policies set out in the North West Regional Spatial Strategy for the North West (2008). Whilst this has been revoked, the evidence base including the Checklist is still relevant.

The Checklist can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

The toolkit sets maximum distances between the development and local services.

These comprise of:

- post box (500m),
- local shop (500m),
- playground / amenity area (500m),
- post office (1000m), bank / cash point (1000m),
- pharmacy (1000m),
- primary school (1000m),
- medical centre (1000m),
- leisure facilities (1000m),
- local meeting place / community centre (1000m),
- public house (1000m),
- public park / village green (1000m),
- child care facility (1000m),

- bus stop (500m)
- railway station (2000m).
- secondary school (2000m)
- Public Right of Way (500m)
- Childrens playground (500m)

In this case the development site meets the following sustainability distances:

- post office (1000m), West Heath District Centre – 925m
- cash point (1000m), West Heath District Centre – 925m
- pharmacy (1000m), West Heath Pharmacy, West St – 925m
- primary school (1000m), St. Marys Catholic Primary School, Belgrave Avenue - 1000m
- medical centre (1000m), Readesmoor Medical Group Practice, West Street – 1000m
- leisure facilities (1000m), Congleton Cricket, Hockey, Bowling and Social Club, West Street – 900m
- local meeting place / community centre (1000m), Danesford Community Centre, West Road - 600m
- public house (1000m), Cheshire Tavern, West Road – 400m
- public park / village green (1000m), Astbury Mere Country Park – 1000m
- child care facility (1000m), Danesford Community Centre, West Road - 600m
- bus stop (500m) West Heath, nr Waggon and Horses – 420m
- railway station (2000m). Congleton Station – 400m
- a local shop (500m), Tesco Metro, Waggon and Horses – 420m

A significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m) exists in respect of the following:

- playground / amenity area (500m), Quinta Park - 1300m
- post box (500m), Sandy Lane Post Box – 750m

On the basis of the above assessment, the proposal is considered to be generally sustainable in purely locational terms.

There are however many other components of sustainability other than accessibility. These include meeting affordable housing need; meeting general housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, amongst other things.

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

The site is a blighted brownfield site. The factory unit was demolished on the advice of the Fire Brigade in the summer of 2013 following a fire which rendered this building unsafe. The site is in a state of dereliction and is a blight on the landscape. A redevelopment would certainly improve the appearance.

The site is within walking distance to many day to day facilities, and is a short bus journey from the town centre. This centre offers a wide range of essential facilities and means that occupiers of the development will have a choice of means of transport.

Paragraph 38 of the Framework states that for larger scale residential developments, policies should promote a mix of uses in order to provide opportunities to undertake day to day activities including work on site, thereby minimising the need to travel.

Paragraphs 96 and 97 of the Framework deal with decentralised and renewable energy supply. The aim is to secure a proportion of predicted energy requirements for new developments from decentralised and renewable or low carbon sources. This is repeated within the Submission Version of the Local Plan. This could be dealt with by condition in the interests of sustainable development.

Economic Role

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The current brownfield site is not considered to be of intrinsic value in countryside terms and the current use provides no economic benefit to the rural economy . Further, the redevelopment will benefit the local economy in terms of the development supply chain, local employment during construction.

In addition, the proposed development will help to maintain a flexible and responsive supply of land for housing, business and community uses as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. The proposal will also deliver economic benefit in the form of the New Homes Bonus, additional Council Tax revenue, all of which is a material consideration in this case.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

Social Role

The final dimension to sustainable development is its social role. In this regard, the proposal will provide 48 new family homes, including 30% affordable homes, on site public open space and financial contributions towards ecological mitigation.

In summary, in terms of its location and accessibility the development does not meet all the criteria in terms of the Checklist. However, given the location of the site adjacent to the settlement, the failure is not significant. However, previous Inspectors have determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development, which this proposal will help to do.

To conclude, the benefits include the need to provide people with places to live and 30% affordable housing, which is in great need, the economic benefit of new residents and the New Homes Bonus, revenue in terms of Council Tax to the Council and more spending in the local economy and the social benefit new residents using local education and healthcare facilities

Overall, the proposal is considered to be sustainable in terms of the 3 strands of sustainability in the NPPF.

Design & Layout

This is an outline application, however, layout and scale is being sought at this stage although appearance is a reserved matter. The proposed layout shows the 2 storey dwellings arranged off 2 cul de sac streets which terminate at areas of greenspace / public open space. The greenspace also performs an ecological function adjoining the River Dane.

The proposed layout would provide a quality public realm. There would be well-defined active frontages with areas and parking kept to a minimum and contained within the site itself. The play area and open space will be well observed.

With regard to the design of the proposed dwellings, whilst their external appearance is a reserved matter, in layout terms they would be modest in terms of their size and scale. The houses are dispersed into semis and detached houses interspersed through out the site. They are all two storeys in height.

The design also employs the use of gateway buildings to aid in legibility and providing a sense of place within the development.

The layout has evolved in conjunction with the input of the Council's Urban Design Officer, who advises that the proposal satisfies the requirements of the NPPF, Manual For Streets, non statutory design guidance and local plan policies GR1, GR2 and GR3 which seek to deliver high quality design.

Highways – Safety and Access

Local Plan 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 proposed development would be served by a new access created off Forge Lane. Forge Lane is a single lane road which has a significant gradient.

Given the existing constrained layout of Forge Lane, the application has been the subject of a formal Safety Audit. The design has evolved extensively as a result of this process with the input of the Strategic Highways Manger. The proposal is for priority being for vehicles with passing places and a minimum width footpath with full kerb face to carry pedestrians. The passing places will have a low raised kerb and will be shared space which will act as a pedestrian priority space having alignment with the provided footpath.

The capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The recommended conditions are considered to be relevant and proportionate to the development. Therefore, the proposal complies with the requirements of Local Plan policies GR9 and GR18.

Congleton Town Council has requested in their consultee response that emerging traffic from Forge Lane be made to turn left only out of the junction and when necessary u-turn around West Road roundabout to go back to West Heath.

The Strategic Highways Manager considers that this would be counter-productive as it would adversely load the roundabout at West Road and therefore take capacity from 4 of its 5 arms.

In addition the junction did operate satisfactorily when the Mill was in operation and this included the heavy commercial vehicles which attended the Forge Mill site turning right and left at West Road.

Consequently the Strategic Highways Manager does not consider the request to be reasonable or necessary in highways terms.

Landscape Impact

Forge Lane is a narrow single track road which terminates at this site close to the River Dane.

The Cheshire Landscape Character assessment identifies that the application site is located beyond the urban boundary of Congleton in Landscape Character Type 13: River Valley and specifically Character Area R5: Upper Dane. This character area extends along the River Dane and is characterised by its steep sided valley, with extensive areas of woodland; the steep valley sides and frequency of woodland ensures that there is little inter-visibility between this character area and adjoining character areas. There are no landscape designations on the site.

It should be noted that as a former industrial unit and extensive areas of hardstanding, the site was an urbanising element within the landscape. Subject to conditions, particularly with regard to the levels within the site, it is considered that the scheme will sit comfortably in the wider landscape.

Trees

There is significant tree cover around the periphery of the site. Forge Wood to the west of the site is Ancient semi-natural woodland, subject to TPO protection and as indicated above, the woodland and the river corridor are local wildlife sites.

Within the Arboricultural Impact Assessment (AIA) there is a tree survey with tree categorisation covering 38 individual trees, 5 groups and one hedge. The survey is limited to part of the southern section of the site and excludes much of site including Forge Wood and trees close to the River Dane.

A number of trees are identified as being hazardous and several are recommended for removal on grounds of poor condition. The AIA identifies that the proposals would require the removal of several trees to facilitate development and that the root protection area of a number could be

impacted and protection measures are suggested. In addition, the Tree Officer considers that the feasibility of retention of some trees is questionable- for example on plots 5,7 &9 where they could impact on usable garden space.

There are no Grade A trees on the site and whilst some Grade B trees would be removed, their public amenity value is limited. Overall, if the site is to be redeveloped, the Tree Officer is satisfied that there would be opportunities for replacement planting in mitigation of losses. It should be noted that plots to the west in particular will be influenced by trees in Forge Wood and this may result in shading of private amenity space. Overall, however, subject to conditions the Tree Officer raises no objection.

Public Open Space Provision

Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', requires the provision of public open space on site. To comply with policy 1180m² of usable open space is required. The scheme originally identified two areas of open space on the Site Layout Plan but one of these areas has been left unchanged as a woodland area at the request of the Council's ecologist. The remaining area of open space comprises circa 1300m².

Children and Young Persons Provision

In addition to the open space, a new equipped area of play is required in the form of a LEAP. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. The final layout and choice of play equipment should be agreed with CEC, the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site. This is controllable by condition.

These facilities will not be maintained by the Local Authority and will require transfer to a management company. This can be controlled by condition.

Ecology

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

Congleton Wildlife Corridor

The proposed development site is located within the Congleton Wildlife Corridor. The proposed development if implemented in accordance with the submitted indicative plan would result in the loss of semi-natural woodland (see further comments below in respect of forge woodland broadleaved woodland adjacent to the north of the site) , hedgerows and semi-improved grassland habitats from within the wildlife corridor. The grassland habitats located to the south of the former Mill site are of sufficient quality to qualify as restorable semi-improved grassland under the Local Wildlife Site Selection criteria. The grasslands located to the north of the former mill site are of negligible ecological value but do contribute to the value of the wildlife corridor.

As the proposed development would result in the loss of semi-natural habitats within the Wildlife Corridor Congleton Local Plan Policy NR4 is pertinent to the determination of this application.

Notwithstanding the above if after considering the relevant planning policy, planning consent is granted it is recommended that a commuted sum be secured by means of a section 106.

The commuted sum should be utilised to fund offsite habitat creation/enhancement works to at least partially compensate for the loss of semi-improved grassland habitat associated with the proposed development.

The loss of habitat (Semi improved grassland) amounting to circa 0.7ha.

- Cost of creation of Lowland Grassland 0.7ha x £11,293.00 (cost per ha) = £7,905.10 (Source UK BAP habitat creation/restoration costing + admin costs)

Local Wildlife Sites (formally Sites of Biological Importance)

Two Local Wildlife Sites are located either immediately adjacent to or within the application site. These are:

River Dane – Radnor Bridge to Congleton

The submitted landscape plan shows an area of open space proposed on the north of the proposed development. The tree survey submitted shows some tree removal within this area.

This area of woodland is listed on the UK BAP inventory of priority woodland habitat. Originally the applicant proposed to utilise this area for informal open space, following concerns expressed by the ecologist this area is to be left as Wildlife Corridor and maintained in future via the residents management agreement.

There is an incursion into the wildlife corridor from the road turning head. This will result in an adverse impact upon the Local Wildlife Site and UK broad leaved woodland which is a material consideration in this case.

However, it is accepted that the incursion into the corridor by the turning head is minor and the applicants stated intention to leave the area of woodland otherwise untouched will adequately safeguard the ecological interest of the site.

Forge and Radnor Woods

This ancient woodland Local Wildlife Site is located immediately adjacent to the boundary of the proposed development. The revised layout plans still show properties backing onto Forge Wood.

The proposed development will not result in the direct loss of habitat within this Local Wildlife Site. However the layout plan shows residential gardens backing onto the woodland within plots 2-17. Consequently, the proposed development has the potential to have an adverse impact upon the Local Wildlife Site in a number of well evidenced ways including:

- The tipping of garden waste from adjacent residential properties.
- Direct loss of habitat due to the unauthorised extension of gardens into the woodlands.
- The introduction of non-native invasive species from adjacent gardens.
- Contamination resulting from garden pesticides and herbicides.

- Disturbance associated with increased road traffic.
- Increased predation from domestic cats.
- Light pollution.
- Disturbance impacts occurring during the construction phase.
- Pruning back of trees due to issues of shading.

The Ecologist is therefore of the view that the proposed development as indicated by the submitted illustrative master plan has the potential to have an adverse impact upon this Local Wildlife Site.

As the proposed development has the potential to have an adverse impact upon ancient woodland local plan policy NR3 is pertinent to the determination of this application.

The applicant has confirmed that the leasehold agreement can be utilised to control the behaviour of future residents of these units in terms of extending boundary fences, tipping of garden waste over their fences, however it is inevitable that there will be change in the area.

On balance, the potential impact on the woodland can in the main be mitigated by the careful drafting of the leasehold agreement, although some disturbance is inevitable during construction and increased light pollution.

Great Crested Newts

No evidence of this species was recorded during the submitted survey. No further action is required in respect of this species.

Breeding Birds

If planning consent was granted standard conditions would be required to safeguard breeding birds.

Badgers

Evidence of badger activity was recorded on site during the submitted survey. A further survey has been undertaken and no evidence of a sett on or adjacent to the proposed development was recorded. The proposed development is not reasonably likely to have a significant adverse impact upon badgers.

If planning consent is granted the ecologist recommends that a condition be attached requiring the applicant to undertake a further badger survey immediately prior to the commencement of development and submit a report for the agreement of the Council prior to the commencement of development.

Reptiles

The semi-natural habitats on this site have the potential to support reptile species. The updated ecology report advises that reptile presence on the site is likely to be limited to transient movement of animals through the site.

Subject to a condition for the submission of a reptile mitigation method statement prior to the commencement of development, the Ecologist raises no objections.

Bats

Two trees have been identified on site that have significant potential to support roosting bats.

The applicant states that the two trees identified as having potential to support roosting bats would not be affected by the proposed works. This is not clear from the submitted plans, however if outline planning consent were to be granted it is recommended that a condition be attached to ensure that the two trees identified as target note 1 and 2 on the submitted phase one habitat survey be retained as part of any detailed design at the reserved matters stage

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

Amenity –Noise

Paragraph 123 of the National Planning Policy Framework (NPPF) states that.

Planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

The National Planning Policy Framework states that the planning system should "prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability"

Another requirement of Paragraph 123 of the NPPF is that "existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established".

Therefore, the proposed new residential development must not impact on the current and future operation of the nearby commercial premises.

A Noise Impact Assessment has been submitted with the application. The Environmental Health Officer (EHO) has considered the report and has undertaken a number of visits to the site to take noise readings. The EHO recommends that there are no measures that could be incorporated within this scheme (eg an acoustic fence) that would address their concern. This is due to the valley bottom nature of the site itself and the air borne nature of the noise environment.

The acoustic environment at this location is dominated by industrial noise arising from Tandom Metallurgical, Copeland & Craddock and Airbags International Ltd. Peak noise results in wide variations from background noise to a maximum level and down again within a short duration. Therefore, the industrial noise is recognisable and source location distinguishable adding to the intrusive nature of the industrial noise at this location. Single noise events are best described by the LA max noise descriptor. The noise report completed by URS, dated October 2013, has favoured the WHO Leq, 16 hour dB(A) noise descriptor, which although not incorrect, in the professional Assessment of the EHO, it is not the best noise descriptor to accurately describe the

subjective acoustic noise climate at this location which is dominated by bangs, clangs, crashes, scrapes, collapsing metal stockpiles of an industrial nature – short bursts of maximum noise events.

During an attended noise assessment exercise completed on Wednesday 4th December 2013 by the EHO, LAFmax noise measurements were undertaken of a noise event from Tandem, which is best described as crashing/ tumbling metal stockpiles – this measured 70 LAFmax dB. This coincides with the results from the October 2013 acoustic report which measured 73 LAFmax (dB)

55dB(A) Leq 16 hour, is regarded by the World Health Organisation as the maximum day time level before community annoyance sets in. This is the base level for residential areas: people should be able to enjoy their gardens and other open space without noise nuisance. However, the 16 hour Leq actually averages the *“individual maximum industrial noise events”* that the future occupiers will suffer at this location.

The outdoor noise climate that would be experienced by future occupiers will be dominated by industrial noise from various noise source premises/ installations. This will be intrusive, annoying and potentially generating justified noise complaints.

Further, if residential premises were located at this site, based on the subjective noise assessments completed by the EHO - a statutory noise nuisance would be substantiated and noise mitigation measures would be required at source by the companies responsible for industrial noise generators: reversing alarms, fan/ equipment noise.

However, Tandem Metallurgical Group Ltd are exempt from local authority statutory noise nuisance EPA action as they are an A1 EPR permitted installation, enforced by the Environment Agency and the EHO recognises that the Environment Agency, although advised of the EHO concern in this matter, have raised no objection to the proposal on noise grounds.

It is true to say that notwithstanding many months of continued debate regarding the noise environment between the EHO and the Applicant's retained Noise Consultant, there is very little consensus.

It is the Environmental Health Officers view that residential development at this location will potentially create conflict with adjacent land uses by introducing noise sensitive properties adjacent to an industrial development, whereby the housing will suffer noise as a consequence.

The proposal will create a 'mixed use' environment: introducing residential development close to a commercial / industrial estate, introducing sensitive noise receptors to this location and may result in future noise problems from fixed plant and equipment, mobile vehicles and machinery, or worn out (poorly maintained) equipment and sharp bangs and screeching of metal (from the metal recycling activities at Tandem), that would not have been an issue prior to the introduction of noise sensitive neighbours at this location.

The EHO considers that the noise source which is likely to be audible on the site (within garden space of the new houses) is the activities of Tandem Metallurgical, the Noise Enforcement Authority for which is the Environment Agency and not the Local Authority.

In precise, the concern of the EHO relates to the fact that the closer proximity to the noise source at Tandem will result in new residents complaining about the Tandem activities which will result in costly mitigation measures having to be employed by Tandem to mitigate in future. The Environment Agency have raised no such concerns within their statutory response notwithstanding being made aware of the issue of concern to the EHO.

Whilst the view of the EHO is noted, it should be borne in mind that the concern relates to garden space, not internal noise which EHO advise can be mitigated.

The Applicant's own noise consultant has provided reports that in their opinion demonstrate that the proposal's noise impacts accords with World Health Organisation Guidelines. They also dispute the need for the noise conditions that are suggested by the EHO if Committee are minded to approve this application. In their opinion the noise environment complies with the historic noise conditions attached to the Barn Road Industrial Estate.

Overall, this is a finely balanced case. There are many benefits of this proposal, notwithstanding the fact that this is a blighted, derelict site that is unlikely to be utilised for any other purpose and the contribution to housing land supply and the contributions to the 3 strands of sustainability within the NPPF.

Residential Amenity (Interfaces)

Within the development itself, minimum separation distances would be achieved and each property would benefit from an appropriate amount of private amenity space in accordance with policies GR6 and SPG2 of the Local Plan.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with 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.

The requirement for long term management of on site Public Open Space and Childrens play space is necessary, fair and reasonable, as the proposed development will provide 48 family sized dwellings of different sizes, the occupiers of which will be using these on site facilities.

The financial contribution in lieu of loss of habitat will compensate for the loss of wildlife corridor/ habitat as a direct consequence of the development.

The financial requirements to provide the TRO's and the quiet lane for Forge Lane are reasonably related to the proposal. Likewise the requirement for the future residents management of the open spaces within the site is fairly related to the development.

CONCLUSIONS AND THE PLANNING BALANCE

Whilst this site is located within open countryside albeit closely related to the Settlement Zone Line for Congleton, consideration needs to be given to the need for the Council to ensure an adequate and continuing supply of market and affordable housing to meet the local need and the requirements to provide for the general housing supply, the blighted and brownfield nature of the site and lack of any prospect of an industrial occupier seeking to utilise a site for employment purposes.

There is also an identified need for affordable housing within Congleton, even having regard to those sites that already benefit from planning permission in the locale. The SHMAA indicates that there remains a significant need for affordable housing in Congleton. Likewise there is a continuing need to feed into the housing supply chain

In highways terms, the capacity of the local highway network is deemed sufficient to accommodate the vehicle movements associated with the scale of the proposed development. The creation of the Quiet Lane to Forge Lane is an integral part of the proposal which has been the subject of extensive negotiation with the Strategic Highways Manager aimed at ensuring the safe use of Forge Lane by future residents.

There would be no adverse impact on trees. Subject to appropriate ecological mitigation and conditions, the applicants have demonstrated general compliance with national and local guidance in a range of areas.

On balance, the need for housing in this area weighs significantly in favour of the proposal as does the brownfield nature of the site.

Whilst there are some concerns expressed by the Environmental Health Officer regarding the external (garden) noise environment and the fact that new residents may complain about the noise activates on the industrial estates nearby and thereby impose a greater burden upon those industrial occupiers to mitigate for their noise emissions, no such concern has been expressed by the Regulatory Authority (the Environment Agency) for Tandem Metallurgical. The Environment Agency advises that they comply with the Best Practical means with regard to noise.

Noise inside buildings can be satisfactorily mitigated and it should be noted that areas of open space are provided within the site which could be utilised in accordance with National Policy Guidance as an alternative to gardens.

It should also be noted that this blighted site is unlikely to come forward for any other form of redevelopment and if left further could become even more unattractive within the area, to the detriment of the area generally.

Furthermore there is significant dispute between the noise experts in this case. The Applicants Noise Consultant is satisfied that the current noise levels that have been observed are within appropriate tolerances.

This is a finely balanced case, and it is appropriate to impose conditions pertaining to noise levels inside the dwellings. The EHO maintains that garden space will be liable to be subject to noise levels on occasion that could lead to residents complaining about the neighbouring activity of Tandem Metallurgical.

However, significant weight must be attached to the provision of a continuing supply of new market and affordable dwellings, in the area where there is significant short-fall, the re-use of a blighted site which is unlikely to be redeveloped for employment purposes given the constrained access via a narrow, sloping road.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed to be sustainable.

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network, it is not sufficient to warrant refusal of the application, as the additional movements generated will not be significant. The safety audit that has been undertaken demonstrates that the proposal will operate safely.

The application is therefore recommended for approval, subject to a Section 106 Agreement and conditions.

The Section 106 Legal Agreement to Secure:

- **Local Equipped Area of Play (LEAP)**

- i) The developer will provide an equipped area of play within the development of not less than 250 square metres.

- ii) The developer will seek the approval of the Council to the design and location of the play area within the site prior to its installation.

- iii) This LEAP will include at least 5 items of equipment, incorporating DDA inclusive equipment.

- **'Management Plan'** to be defined as a requirement that prior to the construction of the dwellings the developer to submit to the Council for written approval a management plan detailing the future management arrangements for all open spaces and the LEAP within the site (excluding the private amenity spaces). This management plan to include the following;

- i) Statement of the principal aims and objectives of the plan: to retain the wildlife area, the two Local Wildlife Sites and to limit public access to these areas.

- i) To maintain the open space landscaping within the site in accordance with the principals set out in the landscape masterplan.

- ii) To protect ecological interests the trees identified as area 6 of the landscape masterplan are to be retained unless subject to woodland management proposals agreed in writing with the Local Planning Authority.

iii) To set out the terms of management to limit the impact of residential properties on Forge Wood Local Wildlife Site in respect of plots 2-17. To include the following within the leasehold arrangements for these properties as follows;

- No tipping of any garden waste from residential properties.
- No unauthorised extension of gardens into the woodlands.
- Removal of introduction of non-native invasive species from the woodland as necessary. (to be undertaken by the management company)
- No Contamination of the woodland to arise from resulting from use of garden pesticides and herbicides.
- No pruning back of trees due to issues of shading.(unless identified as required by the woodland management plan)

iv) The financial arrangements for the long term maintenance of the open spaces and the responsibilities of any management company established to do so.

v) To provide the ability for residents or a local organisation to be involved in the upkeep of the development.

- Commuted Sum for off-site habitat creation/enhancement works of £7,905
- Highways

The development proposals shall include the provision of off site highway works to Forge Lane and to reclassify Forge Lane as a 'Quiet Lane'. The speed limit would be formally reduced to 20mph along with the introduction of a footway with formal passing points to benefit safety along its length.

- **Off – site highway works**

i) The developer will provide a provisional sum of £10,000 for the pursuit of the relevant orders for traffic management and £10,000 quiet lane status.

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Planning and Enforcement Manager, in consultation with the Chair/ Vice Chair of the Northern Planning Committee is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.

1. A06OP - Commencement of development
2. A01OP - Submission of reserved matters
3. A01AP - Development in accord with approved plans
4. A02EX - Submission of samples of building materials
5. Details of design treatment of Forge Lane to be submitted
6. Interior road design and construction plans
7. Submission and implementation of Tree and hedgerow protection measures
8. Arboricultural Specification/Method statement - including revised details
9. Submission of landscaping scheme inc hard landscaping planting and boundary treatments
10. Implementation of landscaping scheme
11. Phase II contaminated land report as per EA consultee response
12. Breeding Bird Survey for works in nesting season
13. Bats and bird boxes
14. Jodrell Bank standard electromagnetic condition
15. Site drainage details to be submitted
16. Hours of construction
17. Piling
18. Submission of mitigation measures to minimise any impact on air quality from construction dust
19. Submission of Construction Management Plan, including site compound/details of materials store
20. Open plan estate layout removal of permitted development rights for fences
21. electric car charging points
22. minimum level for access roads is set at 73.35 mAOD
23. Compensatory flood storage
24. Scheme to limit the surface water run-off
25. A scheme to manage the risk from overland flow of surface
26. Undeveloped buffer zones
27. noise mitigation scheme to comply with BS8223:2014, guideline values for internal ambient noise levels for dwellings
28. Noise scheme to be submitted
29. Reptile mitigation method statement
30. LEAP details
31. 10% renewables

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