

Application No: 14/2049C

Location: SIEMENS HOUSE, VAREY ROAD, CONGLETON, CHESHIRE, CW12 1PH

Proposal: Demolition of existing industrial building and redevelopment to provide residential development, new access, open space and reconfigured car park

Applicant: Siemens plc

Expiry Date: 22-Jul-2014

**Date report prepared:** 14 November 2014

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions and s106 agreement

#### **MAIN ISSUES**

- Planning Policy and Housing Land Supply
- Employment land
- Affordable Housing
- Highway Safety and Traffic Generation.
- Impact on nature conservation interests
- Air Quality
- Noise Impact
- Landscape Impact
- Amenity
- Impact upon the character of the area
- Sustainability

#### **REASON FOR REPORT**

The application has been referred to Northern Planning Committee because it is a major development, and a departure from policy.

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

The application site comprises a large area of undeveloped open land, an existing industrial building in the south east corner of the site and a car park serving the existing Siemens business opposite the application site. The site is located to the south of the junction of the A34 and A356 (Macclesfield Road). The site is bordered to the east by the River Dane, beyond which are residential properties in Havanna Street and open space. To the north there is a further area of open land, beyond which lies Eaton Bank Academy and its associated playing fields. To the south is the highway Eaton Bank, and the existing Siemens

facility and industrial buildings along Varey Road. There are residential properties to the west of the site on Jackson Road, and the roads leading from this.

The site is located within the settlement zone with the majority of the site (the area of open land) identified as an employment allocation in the Congleton Borough Local Plan 2005. The Havannah Wood Local Wildlife site is located to the north west of the application site and the River Dane LWS is located to the east.

## **DETAILS OF PROPOSAL**

This application seeks outline planning permission with all matters reserved for the demolition of the existing industrial building and the redevelopment of the site to provide a residential development for up to 75 dwellings, new access, open space and a reconfigured car park.

The application initially sought approval for access, however, these matters have now been withdrawn from the proposal, and therefore outline planning permission is sought with all matters reserved.

## **RELEVANT HISTORY**

There is no planning history relevant to the current proposal.

## **POLICIES**

### **Congleton Borough Local Plan**

DP1 (Employment allocation)  
DP9 (Transport Assessments)  
GR1 (New Development)  
GR2 (Design)  
GR3 (Residential Development)  
GR4 (Landscaping)  
GR5 (Landscaping)  
GR6 (Amenity and Health)  
GR7 (Amenity and Health)  
GR8 (Amenity and Health - pollution impact)  
GR9 (Accessibility, servicing and provision of parking)  
GR10 (Accessibility for proposals with significant travel needs)  
GR14 (Cycling Measures)  
GR15 (Pedestrian Measures)  
GR17 (Car parking)  
GR18 (Traffic Generation)  
GR19 (Infrastructure provision)  
GR20 (Utilities infrastructure provision)  
GR21 (Flood Prevention)  
GR 22 (Open Space Provision)  
NR1 (Trees and Woodland)

NR2 (Statutory Sites)  
NR3 (Habitats)  
NR4 (Non-statutory sites)  
NR5 (Creation of habitats)  
H1 (Provision of new housing development)  
H6 (Residential development in the open countryside)  
H13 (Affordable Housing and Low Cost Housing)

### **Other Material Considerations**

National Planning Policy Framework (The Framework)

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National Planning Policy Framework (The Framework)  
Interim Planning Statement: Affordable Housing  
Employment Land Review 2012  
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994  
5 Year Housing Supply Position Statement

### Cheshire East Local Plan Strategy – Submission Version

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
EG3 Existing and allocated employment sites  
EG5 Promoting a town centre first approach to retail and commerce  
SC1 Leisure and Recreation  
SC2 Outdoor sports facilities  
SC3 Health and Well-being  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

DP1 Employment Sites

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

Environment Agency – No objections subject to a condition relating to surface water run off.

Natural England – No objections

United Utilities – No objection subject to a condition relating to disposal of foul and surface waters

Public Rights of Way – No objections and recommend contributions to allow replacement of footbridge over River Dane.

Cheshire Fire & Rescue – Make a number of recommendations that could be incorporated into final design

Environmental Health – No objections subject to conditions relating to travel planning, electric vehicle infrastructure, dust control, noise mitigation measures and a phase II contaminated land investigation.

Housing Strategy & Needs Manager – No objections

Strategic Highways Manager – No objections subject to contributions towards A34 corridor highway improvement scheme and bus shelters in the vicinity.

Archaeology – No objections subject to condition

Greenspaces – There is a requirement for new Children and Young Persons provision to meet the future needs arising from the development

Education – No objections

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

Congleton Town Council – Recommend refusal on the grounds that the application is contrary to the interests of highway safety as the development would result in additional traffic using the junction of Jackson Lane and Macclesfield Road, which is already used to unacceptable levels.

### **OTHER REPRESENTATIONS**

11 letters of representation have been received objecting to the proposal on the following grounds:

- Unacceptable increase in traffic (policy GR18 of the Local Plan)
- Increased pollution and nuisance
- Too many houses being built in Congleton

- Land is allocated for employment uses
- Impact on air quality
- Disturbance to biodiversity
- Safety issue from cars parked on road
- Site is identified in SHLAA as “suitable with policy change”
- Emerging local plan does not identify it as an area to be developed
- Flood risk

## **APPLICANT’S SUPPORTING INFORMATION**

The applicant has submitted the following documents with the application:

Archaeology Assessment; Marketing Report; Phase 1 Contaminated Land Survey; Transport Assessment; Statement of Community Involvement; Flood Risk Assessment; Tree Survey; Air Quality Assessment; Design & Access Statement; Planning Statement.

The planning statement concludes:

- No demand for future employment use of site
- Contribute towards 5 year housing supply
- Provision of affordable housing
- Well served by public transport with pedestrian links to town centre
- Reduction in number of HGVs that could use the site if in employment use
- High quality design in enhanced landscape setting
- Ecological mitigation will enhance qualitative habitat
- Overall proposals give rise to net economic, social and environmental gains and delivers a sustainable development

## **OFFICER APPRAISAL**

### **HOUSING LAND SUPPLY**

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of five year housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of objectively assessed housing need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the Council’s calculation of objectively assessed

housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, it is no longer recommended that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, it is considered that the Council is unable to robustly demonstrate a five year supply of housing 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.”*

The application site does not form part of the Council's most recent housing land supply position. Therefore, the application provides the opportunity for the Council to increase its housing land supply.

## **LOSS OF EMPLOYMENT LAND**

The application site is allocated for employment in the Congleton Borough Local Plan.

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:*

- A) *The location of the site or premises and the physical nature of any building*
- B) *The adequacy of supply of suitable employment sites and premises in the area*
- C) *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*
- A) *The impact the proposal would have on the environment and economy of the local area*
- B) *The need for the proposal and its potential contribution to the local area*
- C) *The requirements of other relevant policies of the local plan*

Paragraph 22 of the Framework 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.'*

The Council's Employment Land Review 2012 (ELR) considers the need for employment land (for B1, B2 and B8 uses) over the period from 2009-2030, and forms part of the evidence base for developing the new Local Plan.

The application site was assessed in terms of its contribution towards the potential employment land supply sites in the Borough. The assessment concluded that although the site was opposite (Siemens) a prestigious user, the site is poorly located and that it is difficult to see any speculative development taking place. In addition environmental constraints could also impact on the viability of the redevelopment of the site for employment use.

Congleton Town Council also carried out an Employment Land Study in 2010. Their stage 1 report identifies the Eaton Bank site as one which should be retained for employment use but also notes that it would not be attractive to the broader commercial market, and is likely to only fulfil the role of expansion space for the neighbouring business park and industrial estate. In the summary for the site, the report states, *"market engagement flagged up a number of concerns regarding the site – flood risk; lack of credible accessibility, especially poor during school start and ending hours; and owners with no proactive plans for the site. It is expected they will retain the site in its undeveloped state pending any as yet unforeseen need to expand."*

Referring back to policy E10 of the Local Plan, in terms of whether the site is no longer suitable for employment uses, the applicant has provided details of the marketing of the site that has taken place since 2004. The marketing that has been carried out by the sales agent, Rapleys, includes:

- Initial mailing to local, regional and national property agents via the Estate Agents Clearing House.

- Particulars were also listed on Rapleys website;
- Details distributed to 1,200 contacts on the Developer/Investor database and to commercial developers specifically.
- Advertised in Estates Gazette
- For sale boards erected at the site
- Advertised in the Congleton Chronicle Series and the Manchester Evening News

The overwhelming feedback received from the marketing is that this is not a preferred location for commercial use given the availability of competing local sites which are better connected on arterial routes and do not have such varying levels topography or associated development constraints. Rapleys did however receive offers in 2005, some were industrial in nature, but were unsustainable in terms of achieving market value. Others were speculatively based on the prospect of achieving residential development. There is currently no current interest in the site for commercial development.

It is therefore clear that reasonable attempts have been made to sell the premises for employment purposes. The marketing feedback suggests that the main contributory factors to the unsuccessful marketing have been the location of the site and its physical nature. This feedback is consistent with the views expressed within the Council's ELR.

The ELR examines which sites should be retained for employment allocation and which should be allocated for non-employment uses. The application site is one which is recommended for a non-employment use. Taking these recommended reallocations of employment sites into account, the ELR indicates that Congleton will have a shortfall of employment land of between 1.38 and 1.89 hectares for the period 2009 to 2030. The ELR states that commercial agents feel that the western side of the town is under developed in commercial terms. Congleton Town Council's Employment Land Study also notes that allocating a significant new employment site on any location other than the west side of Congleton is unlikely to lead to a commercially deliverable scheme.

The emerging local plan seeks to address these issues and identifies two strategic sites to the west of Congleton at Back Lane / Radnor Park and Congleton Business Park to provide a total of 20 hectares of additional employment land.

Therefore whilst the ELR identifies an expected shortfall of employment land in Congleton between 2009 and 2030, and the loss of the application site as an employment allocation will contribute to this shortfall, the site is considered to be no longer suitable for employment uses. The emerging local plan acknowledges this shortfall and is seeking to provide more suitable employment provision to the west of the town. The loss of the application as an employment site is therefore accepted, and the proposal is considered to comply with the requirements of policy E10 of the local plan.

## **AFFORDABLE HOUSING**

The site is located within the Congleton sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This shows a net requirement for 58 affordable units per annum for the period 2013/14 – 2017/18. Broken down there is a need for 27x 1bd, 10x 3bd, 46x 4+bd general needs units and 37x 1bd older persons accommodation. The SHMA showed an oversupply of 2 bed units.

In addition to SHMA information, Cheshire Homechoice shows there are currently 564 applicants who have selected one of the Congleton lettings areas as their first choice. These applicants require 334x 1bd, 167x 2bd, 56x 3bd and 7x 4+bd units.

The application is for outline planning for 75 dwellings. The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social rented and 35% intermediate tenure.

Therefore there is a requirement for 23 affordable units on the site, with 15 to be provided as social or affordable rent and 8 to be provided as intermediate tenure. The applicant in their accompanying planning statement states the site will deliver 30% of dwellings as affordable. They go on to state that a s106 agreement will include provision for 30% affordable housing and a tenure split to be agreed. This should secure the 65% rented and 35% intermediate tenure split.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration.

The IPS also states that in order to ensure the proper integration of affordable housing with open market housing, the delivery of affordable units should be phased to ensure that they are delivered periodically throughout the construction period.

No objections are therefore raised to the affordable provision subject to the affordable housing being secured via the s106 agreement, which:

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- include provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site including location, type and size.
- Requires the affordable units to be constructed to HCA Design and Quality Standards (2007) and Level 3 of the Code for Sustainable Homes (2007).

## **ACCESSIBILITY**

Part of the site is greenfield which would not be the first priority for development; however, it is acknowledged that some of the site is previously developed land. The site is also within 1 mile of Congleton town centre with its good transport links and local facilities.

Policies GR9 and GR10 of the local plan, and policy CO1 of the emerging local plan, seek to ensure that developments are accessible by a range of transport options. This is consistent with paragraphs 34 and 35 of the Framework, which require plans and decisions to take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Indeed one of the core planning principles of this document is to actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Footways are provided adjacent to Eaton Bank on both sides of the carriageway providing access from the site onto the local pedestrian network, from where it is possible to access Congleton town centre to the south. There is a footbridge over the River Dane at the southern end of Eaton Bank providing a link to Havanna Street, local shops, schools and bus stops. As Eaton Bank benefits from street lighting and is flanked by residential and commercial properties, it is considered that the pedestrian facilities located on Eaton Bank provide a safe environment for pedestrian trips.

Eaton Bank forms part of National Cycle Route 55 (Biddulph Valley Way), which connects Macclesfield to the north with Stoke-on-Trent to the south via Congleton. In this regard, the site benefits from excellent access to the local cycle network and is therefore well placed to encourage cycling as an alternative to the private car. This is particularly evident given that Route 55 provides onward connections to Congleton town centre and Congleton railway station to the south via a network of local roads including Riverdane Road and Herbert Street. As these roads are relatively lightly trafficked, well lit and benefit from good levels of natural surveillance, it is considered that they provide safe and attractive cycling routes. The site is also approximately 400 metres from the nearest bus stop on Macclesfield Road. The site is therefore considered to be in a relatively sustainable location,

The public rights of way officer has stated that the developer should contribute towards the replacement of the footbridge over the River Dane to Havannah Street in order to bring it up to a standard suitable for shared use, cycling and walking, as the application documents note the importance of this route in providing access to local shops, schools and bus stops. Sustrans have made similar comments.

However, NCN55 runs in front of the site and provides reasonable cycle access towards the town centre. The existing bridge could be crossed by both bikes and pedestrians. As such contributions towards the bridge are not necessary to make the development acceptable in planning terms.

## **HIGHWAY SAFETY AND TRAFFIC GENERATION**

Policy DP9 of the Local Plan requires a transport assessment to be submitted before planning permission is granted. However, this policy relates to the employment allocation of the site. The application is supported by a Transport Statement (TS) as the number of units does not breach the threshold for a full Transport Assessment under the Department for Transport document: *Guidance on Transport Assessments*.

The scope for the TS was agreed with the Strategic Highways Manager prior to the application being lodged. The TS is therefore considered to provide the appropriate level of highways detail to accompany the current proposal. The Strategic Highways Manager makes the following comments on the application:

### **Local Highway Infrastructure**

Eaton Bank fronts the site and is an industrial estate road which is of significant width and is subject to a 30mph speed limit. The TS has provided speed surveys showing approach speeds so that the geometry and visibility requirements for the proposed junction into the site can be determined against standards. In this case approach speeds allow the use of Manual for Streets (MfS) visibility standards and the site can provide 2.4 x 59 metre splays in accordance with MfS guidance.

Eaton Bank becomes Jackson Road as it approaches the A536 Macclesfield Road and benefits in its operation from the fact that at this point Macclesfield Road is one-way only as it forms the entrance to the gyratory junction which serves the: A536/A34 route. From the gyratory, traffic distributes either east to Macclesfield on the A536 or north/south on the A34 to Manchester or Congleton.

The A34 corridor is identified by the Strategic Highways Manager as a traffic corridor which is heavily congested at a number of junctions along its length and the Highway Authority have a VISSIM model of the corridor which identifies the congested junctions. Financial contributions are required from development which has cumulative impact on the A34 corridor.

### **Transport Statement**

The TS provides trip rates generated from the TRICS database and is able to provide traffic generation figures as a result. This is identified at approximately 40 trips in the peak hour.

The TS then looks at the traffic generation from the warehouse which is being removed from the site and deducts this from the residential traffic generation to provide a net traffic generation figure identified as the increase in traffic generation from the site in the event of the residential development being built out.

The result is that in total the net increase in traffic flow from the site will be under 30 trips which is defined in the Department for Transport document: *Guidance on Transport Assessments* as a level of impact which is a good point of discussion to decide whether it constitutes a detrimental impact.

This leaves the Strategic Highways Manager in a position where it is necessary to consider local road background flows and the nature of the network immediate to the site. In this instance the low background flows on Eaton Bank mean that there is plenty of available capacity to accept the development traffic at this level. In addition the traffic generation from a residential development would see arrival and dispersal traffic generally travelling in the

opposite direction to the incoming or outgoing employment traffic on this industrial estate. It is therefore considered that Eaton Bank has acceptable capacity.

Given the relatively low traffic generation from this development the main impact will be at the junction of Jackson Road and the A536 where all vehicles must turn left into the gyratory system and distribute from there.

Once on the gyratory the traffic will split via three routes and immediately the traffic impact on the A536 and north on the A34 will be non-material. However, the traffic impact on the A34 corridor towards Congleton is a material impact.

The Highway Authority VISSIM model shows the Rood Hill traffic signal junction, Barn Road roundabout, West Road roundabout and the Wagon and Horses junction to be over capacity in peak hours.

Traffic generation from this development will have a cumulative impact on this traffic corridor and it is therefore necessary and reasonable for the development to make financial contribution towards the highway improvement schemes which are costed and which have design drawings against them.

### **Precedent**

There have been two other residential development proposals in the immediate vicinity of the A34/A536 gyratory recently which have both agreed contributions to the improvement of the A34 corridor. Both of these developments were of smaller scale than this current proposal so it is reasonable that a pro-rata contribution should be required from this development towards the A34 corridor improvements.

The two precedent sites were each of approximately 45 units totalling 90 and this site is for 75 units. The two precedent sites were agreed to provide £150,000 between them, either in contribution or value of provided facility. The calculation for this site would therefore see a sum of £125,000 as the equivalent required contribution.

In addition, the TS claims sustainability via a number of modes including bus services. However the bus frequency is no better than hourly and therefore it is considered that there should be a contribution to the provision of upgraded bus shelters at the nearest bus stops to the site which require this improvement.

To this end the Strategic Highways Manager requires a contributory sum of £25,000 towards the improvement of two local bus stops to quality partnership standard to satisfy the requirement of new development to encourage the use of sustainable transport choices from this development proposal.

### **Internal layout**

Whilst this is an outline application a master plan is provided which demonstrates the design approach. It will be necessary that the internal layout for the site provides a quality Manual for Streets design when a reserved matters application comes forward.

### **Car park**

The existing and the proposed car park serve the existing Siemens facility on the opposite side of Eaton Bank. Parking numbers will remain the same, and therefore there will be no loss of parking facilities for existing employees and visitors to Siemens as a result of the proposal.

### **Conclusion on highways**

This development proposal would not have a material impact on the local road network other than for the A34 traffic corridor where the cumulative impact would be of concern. In order to mitigate against this impact the developer is required to contribute to the identified A34 improvements list and pro-rata with the contributions agreed on other local development sites. This has been discussed and agreed with the applicant's highway consultant.

No significant highway safety or traffic generation impacts are therefore raised subject to the contributions towards local highways infrastructure referred to above.

### **AIR QUALITY**

The proposed development lies within 500m of the A34 Lower Heath Air Quality Management Area (AQMA) declared as a result of breaches of the air quality objective for nitrogen dioxide. There is also concern that the cumulative impact of developments in the area will lead to successive increases in pollution levels, thereby increased exposure.

The Environmental Health Officer (EHO) initially raised concern that the submitted air quality impact assessment did not adequately demonstrate that the proposed development would have a negligible air quality impact within the area/AQMA.

Additional information was therefore submitted to consider whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic movements. The assessment utilises DMRB (Design Manual for Roads and Bridges) to model NO<sub>2</sub> and PM<sub>10</sub> impacts from the predicted additional road traffic associated with this development and committed developments in the area.

The report identifies that there is likely to be increased exposure to airborne pollutants at all 7 receptors modelled. One of these receptors is within the AQMA. The EHO notes that any increase of concentrations in an AQMA is contrary to their local air quality management objectives. It is therefore considered that mitigation should be sought in the form of direct measures to reduce the impact of traffic associated with the development.

Modern Ultra Low Emission Vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow charging of electric vehicles, in new modern properties.

Whilst raising no specific objections, the EHO recommends conditions relating to travel plans, electric car charging points and dust control in order to mitigate for the air quality impact of the development, and to comply with policy GR7 of the local plan.

### **NOISE IMPACTS**

### **Night-time – Industrial/Commercial Noise Impact**

The Environmental Health department has previously received two tonal industrial / commercial noise complaints from residents located a greater distance from the proposed application site consideration to the industrial estate. Therefore, they initially raised concerns regarding the quality of the noise monitoring survey and its conclusions. Subsequently, an evening subjective noise assessment was completed by the EHO on Monday 11<sup>th</sup> August 2014 to assess the conclusions of the noise report. At 10.10pm and 11.10pm broadband tonal industrial/ commercial noise was witnessed at the location of the proposed noise sensitive properties arising from activities from Siemens and another installation operating at the time of the subjective noise monitoring assessment. The industrial / commercial noise from these installations was the dominant noise source and would be a source of disturbance/ annoyance to future residents with windows open at night for ventilation or if using outdoor gardens or amenity areas.

To a lesser extent noise from the river weir was also evident. No mention of the river weir was made in the applicant's noise assessment as their evening noise monitoring survey was unmanned. Section 6.1 Noise Monitoring Results, bullet point 4 states: *constant generator noise from the building within the site to be demolished*. To check if the weir noise source had been masked by the operation of the generator during the consultants noise monitoring survey; KE Burgmann Expansion Joint Division (the proprietor of this premises) were questioned on this point, they advised that they close at 5pm and do not operate any plant on site out of hours. To this end, it appears that the weir noise IS actually the generator noise that is mentioned in the noise report.

### **Daytime - Industrial/Commercial Noise Impact**

A subjective daytime noise assessment was also completed by the EHO on Wednesday 13<sup>th</sup> August 2014. During the daytime the background noise from traffic and industrial/commercial activities appears to mask the otherwise dominant industrial/ commercial noise at this location which is present at night-time.

### **Noise Summary**

Noisy industrial uses are sited within industrial estates, because they rely heavily on separation distances to reduce noise impacts on noise sensitive development, thereby reducing the impact on residential amenity. The introduction of noise sensitive receptors at the proposed location may negatively impact existing industrial/commercial noise sources especially those that operate during the night-time period.

Although a noise survey has been carried out, no information was originally submitted to show what mitigation measures the applicant will provide to ensure an adequate level of protection against industrial / commercial night-time noise impacts.

As a result of the concerns raised above additional noise surveys were carried out by the applicant and this identified that a 12dB reduction in noise levels is required in order to have an acceptable impact upon the external areas of the nearest of the proposed dwellings. The applicants have demonstrated that this could be achieved by the erection of a 2 metre high acoustic fence along the boundary with Eaton Bank. The EHO advises that an alternative would be to re-site the car park to a position opposite Varey Road to allow it to act as a buffer for the industrial noise. Either of these solutions would overcome the EHO's previous concerns regarding industrial noise impact affecting the proposed external amenity areas of

the noise sensitive residential properties at this location. The preferred option for the applicant is to erect the acoustic fence. Furthermore, the EHO is satisfied that internal noise levels will achieve the appropriate standards set out in BS8223: 2014.

Subject to the provision of the acoustic fence, the proposed dwellings will not be subject to unacceptable levels of noise from nearby industrial units, and the proposal is therefore considered to be in accordance with policy GR7 of the Local Plan.

Didn't we discuss the unacceptable visual impact of this and that the preferred option would be to re-locate the car park?

## **CONTAMINATED LAND**

The Contaminated Land officer notes that the application area has a history of use as agricultural land and is adjacent to industrial works and therefore the land may be contaminated. The application is also for new residential properties which are a sensitive end use and could be affected by any contamination present. Finally, the Report submitted in support of the application recommends that intrusive investigations are required. A condition requiring a phase II investigation is therefore recommended.

## **LANDSCAPE & TREES**

There are a number of trees on the site which are mainly limited to the boundaries along the riverbank which form part of the SBI and will be retained, none of which are formally protected. The Forestry Officer has not raised any objection to the proposal noting that the inclusion of the majority of the existing tree cover within a green landscape infrastructure is a very suitable way of integrating the development into the landscape

The landscape officer advises that the site is allocated for business use, and considers that housing in this area would have less impact on the valley landscape. No significant landscape objections are therefore raised. However, the landscape officer raises the following matters that should be addressed in the reserved matters:

- Provision of cycleway route (ideally set within a wider open space corridor and not located at the rear of properties) with links from the proposed housing.
- The properties should face onto the Dane Valley woodland; informal amenity spaces and any equipped play areas should be located within the cycleway corridor in prominent locations with natural surveillance.
- Ensure adequate space is provided for the cycleway between the car park and the river
- Cross sections through the cycleway corridor, particularly between the car park and the river, to illustrate the character of the route.
- A screen buffer should be provided between the rear of the properties and the car park.
- A series of cross sections through the entire site to demonstrate the proposed levels and contours.

In addition a phasing plan should be submitted for the completion of the cycleway route/POS and a Landscape and Habitat Management Plan for the cycleway route and all areas not within private gardens. This document should form part of a s106 agreement in order to secure appropriate on-going management and public access in perpetuity. The L&HMP must establish the mechanism for management and maintenance (e.g. a management company).

## ECOLOGY

The nature conservation officer has commented on the application and provides the following comments:

### Habitats

A large area of the application site has been identified as supporting semi-improved grassland habitats with additional areas of marshy grassland. Restorable semi-improved grassland and marshy grassland habitats can potentially meet the criteria for selection as Local Wildlife Sites.

Further surveys undertaken during June 2014 have established that whilst a number of grassland species are present the botanical composition of the grassland habitats also shows signs of agricultural improvement which limits their nature conservation value.

The nature conservation officer advises that the grassland habitats on site are of relatively low value and do not present a significant constraint upon development. The development proposals however may still result in an overall loss of biodiversity. It is therefore recommended that the residual impacts of the development be off-set by means of a commuted sum that could be utilised to fund offsite habitat creation / enhancement potentially within the Meres and Mosses Nature Improvement Area.

The following method has been used to calculate an appropriate commuted sum. This is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011':

The loss of habitat (Semi improved grassland) amounting to roughly 1.8ha.

- Cost of creation of Lowland Grassland - 1.8ha x £11,293.00 (cost per ha) = £20,327.40 (Source UK BAP habitat creation/restoration costing + admin costs)

The above calculation would be for the creation of species rich UK BAP grassland, however the habitat lost is species poor and so the impacts of this loss is obviously less. It is therefore recommended that half of this figure would be appropriate. A contribution of £10,163 is therefore required.

### Local Wildlife sites (LWS)

The Havannah Wood Local Wildlife site is located to the north west of the proposed development site and the River Dane LWS is located to the east.

#### *Havannah Wood Local Wildlife Site*

The proposed development will not result in a direct loss of habitat from within the boundary of this LWS. However as a number of the proposed properties back onto the LWS there is potential for the development to affect the LWS in a number of ways, including: the tipping of garden waste, unauthorised garden extensions, pruning back of any adjacent trees, the introduction of non-native species either deliberately or accidentally and contamination by garden chemicals etc.

To avoid these impacts it is recommended that the reserved matters proposals avoid any of the proposed new dwellings backing onto the boundary of the LWS.

#### *River Dane LWS*

The indicative layout shows an area of retained habitat adjacent to the river. This area of retained habitat may not exactly reflect the boundary of the LWS site in this locality, however the nature conservation officer advises that any incursion into the boundary of this LWS is unlikely to be significant. For the reasons outlined above, none of the proposed properties should back directly onto the boundary of the LWS.

To assist with offsetting any residual impacts of the proposed development, and in line with the landscape officer's comments, the submission of a habitat management plan for the retained LWS should be required. In addition a condition is recommended which requires the submission of a method statement to safeguard the LWS during the construction process.

#### **Congleton Wildlife Corridor**

There does not appear to be any development proposed within the adjacent Congleton Wildlife Corridor which is protected by Local policies.

#### **Hedgerows**

Hedgerows are a Biodiversity action plan priority habitat and hence a material consideration. The proposed development is likely to result in the loss of existing hedgerows however it appears likely that there would be opportunities for additional hedgerows to be provided between the proposed houses and the open space area.

#### **Badgers**

No evidence of badger activity was recorded during the submitted survey. This species is therefore not reasonably likely to be present or affected by the proposed development.

#### **Otter and water vole**

No evidence of these species was recorded during the submitted survey however there is potential for otters to occur on the adjacent river Dane on at least a transitory basis. Given that the proposed development is set a considerable way back from the river the nature conservation officer advises that these species, if present, are unlikely to be significantly affected by the proposed development.

#### **Bats**

The buildings on site have been identified as offering moderate potential to support roosting bats, as well as a number of trees on the site that also provide opportunities for roosting bats.

The additional detailed bat surveys have identified no evidence of roosting bats within the buildings on site. The trees along the river and the river corridor itself which provides a valuable commuting and foraging habitat for bats will not be affected by the proposed development. The proposed development is therefore unlikely to significantly affect bats, however, a condition should be attached requiring any lighting scheme for the site to be agreed with the LPA.

#### **Other priority species**

A number of biodiversity action plan priority species, including polecat, hedgehog etc. have been recorded in the broad locality of the application site, although not from the application site itself. There is however potential for a number of these to occur on the application site on at least a transitory basis. The retention of the adjacent LWS site would assist in mitigating any potential impacts on these species. The nature conservation officer recommends a condition requiring the incorporation of gaps for hedgehogs in any boundary fencing.

### **Breeding Birds**

The application site is likely to support a number of species of breeding bird including a number of the more widespread Biodiversity Action plan species which are a material consideration for planning. Standard conditions are therefore recommended to safeguard breeding birds and ensure additional features for nesting birds and roosting bats are incorporated into the proposed development.

## **LAYOUT & DESIGN**

With all matters reserved for subsequent approval only an illustrative layout has been submitted. Excluding the reconfigured car park, and the ecological buffer zone to the River Dane LWS, the indicative site layout shows the provision of housing at a density of 32 dwellings per hectare. However, a number of fundamental alterations will need to be made to this indicative layout in order to protect the local wildlife sites. In addition, and as noted further below, some of the spacing between the dwellings shown on the indicative plan will need to be increased, as it currently falls short of relevant standards in the local plan. This may require the houses or the car park to be moved further up the slope to the north west of the site. There is nothing to indicate at this stage that this cannot be achieved. It is therefore considered that the site can accommodate up to 75 dwellings and the proposed 320 parking spaces for the adjacent industrial unit without have a significant impact upon the character of the area.

The indicative layout plan provides images of 2 and 2.5 storey properties as typical house types. The majority of properties within the immediate area are either single or two-storey. Due to the presence of the industrial estate on the opposite side of Eaton Bank, in terms of scale, a wide variety of buildings exist in the local area. Whilst, they cannot be ruled out at this stage, given the varied character of surrounding residential areas, the introduction of buildings greater than two-storeys will have to be carefully considered and much will depend on the specific form and design put forward in the reserved matters

The requirement for a 2 metre high acoustic fence will depend upon the final positioning of the housing and the car park. However, in the event that the fence is required, a position immediately adjacent to the highway would not be acceptable having regard to the existing hedge lined character of Eaton Bank. The existing hedge to Eaton Bank will need to be retained where possible in order to screen the fence, which will need to be located a minimum of 2 metres behind the hedge to ensure that the hedge has room to grow. In locations where the fence is erected and there is no existing hedge a landscape buffer of 2.5 metres will need to be retained to allow space to plant in front.

No issues are raised with regard to the demolition of the existing industrial building to the south of the site, as it is of no particular architectural merit. Similarly, the car park will remain at the same scale and provide the same number of parking spaces as existing.

## **AMENITY**

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

A number of separation distances on the indicative layout fall below the normal separation distances outlined above. Whether the sloping land to the west of the site can be more efficiently used remains to be seen. Other options would therefore be to reassess the mix of housing, providing smaller units to provide more space across the site, or reduce the number of houses.

The layout and design of the site are reserved matters and it is considered that up to 75 dwellings could be accommodated on the site, whilst maintaining the necessary separation distances between the proposed dwellings within the new estate and adequate amenity space for each new dwelling.

No residential properties adjoin the application site, therefore given the relationship with, and distance to, the nearest residential neighbour, there is not considered to be any significant impact upon the living conditions of existing residents. No further significant amenity issues are raised at this stage.

## **FLOODING / DRAINAGE**

### **Flood Risk**

The submitted Flood Risk Assessment (FRA) shows that the developable area of the site is located Flood Zone 1 as shown on the Environment Agency's Flood Map, which is low probability of river/tidal flooding. The FRA states that the rate of surface water run-off from the proposed site will not exceed greenfield run-off rates from the existing undeveloped site. This would comply with the requirements within the Council's Strategic Flood Risk Assessment (SFRA).

The Environment Agency raises no objections to the proposal subject to a condition relating to the submission of a scheme to limit surface water run-off.

### **Contaminated Land**

The submitted Phase I Desk Study indicate that the site is not likely to pose a significant risk to controlled waters receptors and therefore the Environment Agency has no requirements for further works at this time. However, they request a condition is added that requires them to be contacted if any additional evidence of contamination is identified during the development of the site to ensure that risks to controlled waters receptors are appropriately managed.

### **Drainage**

United Utilities raise no objection to the proposed development subject to a condition requiring a scheme for the disposal of foul and surface waters for the entire site to be submitted.

## **OPEN SPACE**

Paragraph 73 of the Framework places an emphasis on the need to provide high quality open spaces and opportunities for sport and recreation as they can make an important contribution to the health and well-being of communities.

Policy GR22 of the Local Plan and SPG1: Provision of Public Open Space in New Residential Development requires the provision of Public Open Space. Policy GR22 requires that this public open space is of *'an extent, quality, design and location in accordance with the Borough Council's currently adopted standards and having regard to existing levels of provision'*. SPG1 states that *'the requirement for public open space will normally apply to all developments of 7 or more dwellings'*. The Interim Policy Guidance on Public Open Space Provision provides details in relation to the level and types of provision which will be required for the development.

### **Amenity Greenspace**

Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

The illustrative layout and the Design and Access statement show that there are 3 separate areas of open space including a LAP 16m in diameter and a large area of open space identified as a site of Biodiversity Interest. Due to the specialist nature of maintenance of a site of Biodiversity Interest it is recommended that the maintenance is transferred to a management and maintenance company with the relevant specialist skills.

### **Children and Young Persons Play Provision**

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, 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. A NEAP (Neighbourhood Equipped Area for Play) standard play facility is required in accordance with the SPG1, clause 3.6. in accordance with the size of the development and should be suitable for all ages.

The play facility should include at least 8 items/activities incorporating DDA inclusive equipment and be in line with the standards set out by Fields In Trust Planning and Design for Outdoor Sport and Play. **Ansa request** that the final layout and choice of play equipment is agreed with CEC, the construction should be to BSEN standards.

Full plans showing the design must be submitted prior to the play area being installed and this must be approved, in writing prior to the commencement of any works. A buffer zone of a least 30m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site.

As with the Amenity Greenspace it is recommended that future maintenance of the play area be carried out by a Management company.

It may not be possible to accommodate the required NEAP within the site, therefore options for off site provision may need to be explored. Further consultation with open space officers is currently taking place and will be reported to members in an update.

## **EDUCATION**

A development of 75 dwellings is expected to generate 14 primary aged children and 10 secondary aged children. Given that there is forecast to be availability in local schools, no education contributions are required from this development.

## **ARCHAEOLOGY**

The application is supported by an archaeological desk-based assessment that has been prepared by CgMs Consulting on behalf of the applicant. The report considers data held in the Cheshire Historic Environment Record and also benefits from an examination of the historic mapping, aerial photographs, and readily-available secondary sources. It concludes that the area has a limited archaeological potential and there are no significant archaeological constraints on the re-development of the area.

The Council's archaeologist advises that, broadly speaking, these conclusions are correct and that across the bulk of the area no further archaeological mitigation will be required. There is one possible exception to this pattern in the area at the southern extremity of the site adjacent to the river Dane, which was formerly occupied by a mill. This building is depicted on the tithe map and the 19<sup>th</sup>-century editions of the Ordnance Survey 25" maps but has now been demolished. The mapping also depicts a leat leading from the river and a possible wheel pit. Traces of these features may survive below ground and could be damaged by the proposed development.

Unfortunately, it is not possible for the Council's Archaeologist to offer definitive advice on this matter at present as information on the nature of below-ground disturbance is not yet available. The area will form part of the re-configured car park and it may be that construction will not seriously affect any remains of the mill. In this case, the submission of detailed information on groundworks in this area might be sufficient to mitigate the effects of the development. It may prove, however, that groundworks associated with demolition of the existing building and construction of the car park will damage and destroy surviving elements of the mill complex. In these circumstances, a targeted developer funded watching brief would be appropriate in order to identify and record important features. These would consist of the leat, wheel pit and any other exposed elements of the mill's power system. A report on the work would be required and the mitigation could be secured by condition.

## **AGRICULTURAL LAND**

Paragraph 112 of the Framework states that Local Planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The proposal involves the loss of grade 3 agricultural land, which is good to moderate quality land. Given that the site has been allocated for employment development for some time, the development of the site and the loss of this lower quality agricultural land has been accepted through the local plan process, the loss of the agricultural land can be accepted in this case.

## **HEADS OF TERMS**

If the application is approved a Section 106 Agreement will be required to secure the following heads of terms:

- The provision of a NEAP facility (comprising a minimum of 8 items of equipment) or financial contribution in lieu of on site provision
- Management details for the maintenance of all amenity greenspace / public open space, public footpaths and greenways within the site, play areas, and other areas of incidental open space not forming private gardens or part of the adopted highway in perpetuity.
- Submission of landscape and habitat management plan
- Provision of 30% affordable housing with 65% to be provided as social/affordable rent and 35% provided as intermediate tenure
- Phasing of affordable housing
- The payment of £10,163 for habitat creation/enhancement works in the locality, to offset loss of biodiversity
- Financial contribution of £125,000 towards highway improvement works along A34 corridor
- Financial contribution of £25,000 towards bus stop improvements

## **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 provision of affordable housing, public open space provision, financial contributions for highways improvements and bus stop improvements, and the financial contribution to offset the loss of biodiversity is necessary to mitigate for the impact of the development, is fair and reasonable in order to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

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

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The site is allocated as employment land within Congleton Borough Local Plan where, under policy E10 there is a presumption against non-employment uses. However, it is considered that the site is no longer suitable for employment uses. Furthermore, the Council is currently unable to robustly demonstrate a five year supply of housing land. Therefore, the presumption in favour of sustainable development applies in this case, and in accordance with paragraph 14 of the Framework, planning permission should be granted unless any

adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole.

The proposed development would make an important contribution in terms of affordable housing provision and this would be a significant benefit. Matters relating to the detailed design, amenity, landscape, trees, air quality and noise impact can be adequately addressed through the use of conditions or at the reserved matters stage. Although there would be some visual impact resulting from the loss of the greenfield part of the site, it is considered that due to the relationship with existing urban form, this would not be so significantly adverse to justify a refusal of planning permission. With regard to ecological impacts, provision of a commuted sum to offset any loss in biodiversity is considered to be acceptable. It is also acknowledged that there will be some additional impact upon existing congestion along the A34 corridor, however this is minimal and cannot be identified as a significant adverse impact that would justify a refusal of planning permission in this case. Mitigation is also provided in the form of financial contributions towards planned highway improvements along the A34 corridor.

The proposal is a sustainable form of development, and in the absence of any identified significant adverse impacts a recommendation of approval is made.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

#### Application for Outline Planning

#### RECOMMENDATION:

1. A01OP Submission of reserved matters
2. A02OP Implementation of reserved matters
3. A03OP Time limit for submission of reserved matters
4. A06OP Commencement of development
5. A08OP Ground levels / sections to be submitted with reserved matters application
6. A32HA Submission of construction method statement (including hours of construction)
7. A19MC Refuse storage facilities to be approved
8. Foul and surface water drainage details to be submitted
9. Submission of remediation strategy if contamination is found during construction
10. Hedgerow to Eaton Bank boundary to be retained

## 11. Submission of a method statement to safeguard the Local Wildlife Sites during the construction process

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12. Lighting scheme for the site to be submitted
13. Submission of details for safeguarding

hedgehogs

14. Breeding birds survey to be submitted
15. Features for nesting birds and roosting bats to be incorporated into the proposed development.
16. Arboricultural Impact Assessment to accompany the reserved matters application
17. Phase II contaminated land investigation to be submitted
18. Travel plan to be submitted
19. Electric vehicle charging points to be provided
20. Environmental Management Plan (dust control) to be submitted
21. Noise mitigation details to be submitted
22. Reserved matters to include provision for pedestrians and cyclists through the site
23. Written scheme of archaeological investigation to be submitted
24. The residential properties shall not back on to the boundaries shared with the Local Wildlife Sites

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