

Application No: 21/4440C

Location: Land to the west of Viking Way, Congleton, CW12 2JQ

Proposal: Outline application with details of access (details of appearance, landscaping, layout, and scale are reserved for future determination) for the erection of flexible Use Class B2/B8 employment units (including ancillary offices), vehicle and pedestrian access, parking, landscaping and associated works.

Applicant: Mr Adam Scott

Expiry Date: 17-Nov-2021

SUMMARY

The proposed development of this site for B2/B8 uses accords with the allocations in Local Plan policy Site LPS 27 - Congleton Business Park Extension which allocates the site for employment uses.

The Environment Agency and Natural England have raised no objections.

Highways have raised no objections, subject to conditions, and a contribution to the Congleton Link Road, and a bus service contribution.

Environmental protection have raised some questions regarding the contaminated land report and the applicant's comments will be reported to Members as part of any Update Report. Other environmental impacts are all capable of being mitigated by measures that can be conditioned.

The Council's Ecologist is satisfied with the proposals, subject to agreeing a commuted sum for biodiversity net gain. Members will be updated on this sum in any Update Report.

The Council's Tree and Landscape officers offer no objections but have set out issues that will need to be addressed as part of any reserved matters application.

Comments from the Council's Flood Risk team are awaited, but the Environment agency have raised no issues, and are the responsible authority as the River Dane falls within their remit as a main river.

RECOMMENDATION

Approve subject to a Section 106 Agreement and conditions.

SITE DESCRIPTION

This application relates to a site south of the Congleton Link Road, with boundaries to Viking Way to the east, the River Dane to the west and a partially wooded water course (a deep field drainage channel) to the south. The site is 3.81 hectares in area and currently consists of an open field sloping gently down to the River Dane, but with steep slopes to embankments to the Congleton Link Road and Viking Way. The site lies below the level of both roads. There are trees along the River and along the southern boundary. An access to the site from Viking Way was installed as part of the recent road works.

A very small strip of the site falls within the flood plane of the River Dane. There are no Public Rights of Way across or adjoining the site, and there is no path alongside this side of Viking Way, although there is a footpath close to the northern site boundary which leads down from the Link Road underneath the Dane Bridge Crossing.

PROPOSAL

This is an outline planning application and includes details of access for the erection of flexible Use Class B2/B8 employment units (including ancillary offices), vehicle and pedestrian access, parking, landscaping and associated works. Details of appearance, landscaping, layout, and scale are reserved for future determination.

The application is supported by the following plans:

- Site access
- Parameters
- Landscape Structure Plan (For illustrative purposes)
- Indicative Masterplan

The planning statement states that the application seeks up to 9,577 sq m (GIA) of flexible floorspace (B1 & B2) with ancillary office floorspace. The illustrative plans indicate how this floorspace can be achieved on the site over a number of linked or separate units. The illustrative layout and parameters plan indicates how a 10m landscaped buffer would be provided to the south and a 50m stand off to the River.

RELEVANT PLANNING HISTORY

There is no relevant planning history on this site, however the following are considered relevant:

Congleton Link Road:

15/4480C The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. APPROVED July 2016

To the south of the site off Viking Way:

19/5596C Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure - LAND OFF, VIKING WAY, CONGLETON, CW12 1TT APPROVED Subject to a Section 106 Agreement

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG1 – Development Strategy
PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
EG 1 - Economic Prosperity
SC1 – Leisure and recreation
Sc2 – Indoor and outdoor recreation
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 - Green Infrastructure
SE 13 - Flood Risk and Water Management
CO1 – Sustainable Travel and Transportation

Site LPS 27 - Congleton Business Park Extension

Saved policies in the Congleton Local Plan

PS8	Open Countryside
PS10	Jodrell Bank Radio Telescope Consultation Zone
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling measures
GR15	Pedestrian measures
GR18	Traffic Generation
GR20	Public Utilities
GR22	Open Space Provision
GR23	Provision of Services and Facilities
NR4	Nature Conservation (Non Statutory Sites)
NR5	Maximising opportunities to enhance nature conservation

Neighbourhood Plans:

The site falls within the Hulme Walfield and Somerford Booths Neighbourhood Plan area.

The Hulme Walfield and Somerford Booths Neighbourhood Plan was made on the 19 March 2018.

ENV1 Wildlife Corridor and Areas of Habitat Distinctiveness
ENV2 Trees and Hedgerows
ENV3 Multi Use Routes
ECON1 Rural Economy

National Considerations

The National Planning Policy Framework
National Planning Practice Guidance

CONSULTATIONS (External to Planning)

Natural England: No objection

Environment Agency: No objection in principle but provided a range of detailed comments which are discussed below.

United Utilities: No objections, but as they do not have enough information on the detail of the drainage design they request conditions relating to approving a surface water drainage scheme and separate foul and surface water drainage.

CEC Head of Strategic Infrastructure: No objections subject to conditions, a contribution to the Congleton Link Road and a bus service contribution.

CEC Environmental Health: Environmental protection have raised some questions regarding the contaminated land report and the applicant's comments will be reported to Members as part of any Update Report. Other environmental impacts are all capable of being mitigated by measures that can be conditioned.

CEC Flood Risk Manager: Comments awaited.

VIEWS OF THE TOWN/PARISH COUNCILS

Hulme Walfield & Somerford Booths Parish Council - Raise no objection to the application

OTHER REPRESENTATIONS

None received

OFFICER APPRAISAL

Principal of Development

Site LPS 27 - Congleton Business Park Extension

The extension site at Congleton Business Park over the Local Plan Strategy period will be achieved through:

1. The delivery of, or a contribution towards, the Congleton Link Road;
2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.32;
3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park as set out in Figure 15.32;
4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction as set out in Figure 15.32;
5. The provision of appropriate retail space to meet local needs;
6. The provision of children's play facilities;
7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;
8. Contributions to health and education infrastructure; and
9. The provision of land required in connection with the Congleton Link Road (CLR) as set out in Figure 15.32.

The site subject to this allocation only forms a small part of this allocation but is clearly shown in the proposals map as an area of employment. This therefore in principle, is considered to be in accordance with the Local Plan allocation.

Highway Implications

Access

A single point of access is proposed from Viking Way, a ghost right turn lane on Viking Way is also proposed. The design of the access indicates a 7.3m carriageway and two 2m footways being provided, this standard of design is acceptable to serve a commercial development. The visibility splays have now been increased to 2.4m x 65M given the higher vehicle speeds on Viking Way.

Internal Layout

Although an indicative masterplan has been submitted indicating an internal road structure this is not for consideration in this application nor is the level of HGV/car parking on the site.

Development Traffic Impact

The traffic impact of the development has been assessed with the CLR infrastructure in place, a number of junctions that are likely to be directly affected by the development have been assessed in regard to their capacity. These junctions are as follows:

Viking Way/CLR roundabout
Barn Road/Clayton Bypass
Rood Hill/A54 signal junction
Clayton Bypass/West Street roundabout

The trip generation rates have been based upon a B2 use as B8 rates are generally lower than B2. The distribution of trips is indicated as 55% CLR and 45% Viking Way.

The results of the capacity assessments show that all junctions will operate within capacity levels, this wholly due to the opening of the CLR that has reassigned traffic away from the previously congested junctions on the A34. Therefore, it is accepted that there would be no severe traffic impact on the road

network resulting from the development. The site was allocated at the same time as the embedded mitigation the CLR has provided.

Accessibility

The submitted access plans indicate a 2m footway and 1.5m verge on the Viking Way frontage of the site. In order to encourage active travel to this site and other developments along Viking Way a revised site access plan has been submitted that now provides a 3m shared pedestrian/cycle footway on the site frontage boundary as requested. The Pedestrian/Cycle path will link into the existing facility on the CLR. The indicative masterplan shows link in the north west corner of the site that shows a pedestrian/cycle link to the CLR infrastructure, this link should be provided by the development and secured via a S278 Agreement.

There is currently no bus service that operates along Viking Way although it is intended that a future bus service will be available along the route serving the proposed new residential and commercial developments in LPS 27. A contribution to aid connectivity is therefore appropriate.

Summary

The provision of a commercial development on this site is consistent with the policy set out in LPS 27 for employment uses.

The proposed access position and design is suitable to serve the commercial development although the applicant needs to address the visibility provision at the junction. As this is an outline application for access, no comments on the indicative internal arrangement are required in this application, however a revised indicative plan has been submitted for the internal road system, whilst not this is not being determined in this application there will be a need for publicly accessible turning head at the end of the proposed main access road in any reserved matters application.

The junction capacity assessments undertaken show that the traffic generation of the development can be accommodated on the road network and not cause congestion issues. This situation results from the completion of the CLR that has provided additional capacity and reassigned some of the traffic away from the A34. This development should make a contribution to the CLR as required in the policy, the Council will seek contributions to be made on a retrospective basis due to having to forward funding the CLR scheme.

Ensuring accessibility is provided to sites is important and the applicant should look to provide a pedestrian/Cycleway along the frontage of the site that links to the CLR and allows a connection to be made on the adjacent land.

Therefore, contributions are required, as explained in the previous paragraphs, for - a bus service contribution of £150,000 and also a CLR contribution of £287,310 based on a £30sq.m commercial development contribution to be secured via a S106 Agreement. In addition a condition that secures the off-site works for the uncontrolled pedestrian crossing point and ghost right turn lane on Viking Way, together with a condition to secure the small section of ped/cycle footway on the north west corner of the site that links to the CLR, there are no highway objections.

Trees

The River Dane borders the south western boundary of the site with trees to the west of this (off site and west of the River) afforded protection by the Congleton Rural District Council (Valley of Dane) Tree

Preservation Order 1954. Tree cover bordering the River boundary within the site edged red is recorded on the National Forest Inventory and the Priority Habitat Inventory for Deciduous Woodland and is within the River Dane (Radnor bridge to Congleton) Local Wildlife Site.

The application has been supported by an Arboricultural Impact Assessment which has identified 3 moderate quality B Category groups and 1 low quality C Category group. Existing hedgerows have not been indicated on the plan although it is suggested that the removal of an important hedgerow to the south of the site will be required.

The application suggests that all trees on the site will be retained with construction of the industrial units outside indicated Root Protection Areas (RPA). The site layout proposes a footpath to run outside the woodland adjacent to the river, but through woodland along the southern boundary within moderate quality group G12. A pond is proposed to the south west of the site which its understood will form part of a SUDS system. Given the proximity of this to retained tree cover, the proposed ecological pond should be positioned outside the root protection areas of adjacent tree cover and any route for the runoff of surface water should respect retained and avoid root protection areas of retained trees on site.

While there are no objections to the principal of access in the location indicated, the tree cover to the west is considered important and any reserved matters application should demonstrate that the any SUDS and associated drainage scheme would not arise in detrimental impacts to retained tree cover. It's considered that greater separation between Units D1 and D2 to the south of the site and trees within group G12 would secure a more sustainable relationship with this emerging woodland cover which stands to provide screening from any future development to the south of this in the future.

Should approval be granted conditions are recommended.

Landscape

The Council's Landscape officer writes that the submitted Indicative Masterplan and Landscape Structure Plan do show a 50m landscape buffer to the River Dane and a 10m landscape buffer along the southern boundary, but little in terms of enhancement along the river corridor and little in terms of scope for a high quality of design, both in terms of the public realm and also the prominent location. The proposals do not currently comply with Policy LPS 27.

However, it is appreciated that this is an outline application and that the submitted Indicative Masterplan is just that. It is hoped that consideration is given to the prominent location of the application site, the requirements of policy LPS 27 and also landscape proposals along Viking Way and the northern boundary at detailed stage. Any full application would also be expected to include agreed cross sections of the proposals and well as footpath and cycleway links connecting the site to the immediate parcel to the south and also the wider area.

Ecology

River Dane (Radnor bridge to Congleton) LWS

This Local Wildlife Site is present on the site's western boundary. The LWS supports priority woodland habitats. Sites of this type receive protection under Local Plan Policy. In order to ensure that this site is not adversely affected by the proposed development it is recommend that an undeveloped buffer be provided between the development and the LWS.

A 50m buffer from the river Dane is included on the submitted parameters plan. It must however be ensured that this buffer is fenced-off during the construction stage to ensure that there is no machinery or storage of materials in this area during the construction phase. This matter may be dealt with by means of a planning condition in the event that outline consent is granted.

The application form states that surface water would be disposed of through a SUDS to an existing watercourse. Based upon the submitted Flood Risk Assessment it appears that the drainage scheme for the site would discharge to the tributary on the sites southern boundary outside the redline of the application outside the Local Wildlife Site.

Woodland

There is an area of woodland located on the site's southern boundary. The submitted indicative masterplan shows a cycleway link being routed through this feature. In order to avoid a loss of biodiversity it is advised that the cycleway link should be routed outside of the woodland. This can be conditioned.

Otter

Evidence of otter activity was recorded on the stream running to the south of the site during the submitted survey. A feature adjacent to the river was identified as a potential otter holt, but no evidence was recorded to confirm this. The Ecological assessment concludes that the proposed development is unlikely to result in an adverse impact upon Otter.

As the status of otters at a site can change over time, it is recommended that if outline consent is granted a condition be attached which requires an updated otter survey to be undertaken in support of any future reserved matters application.

Water vole

No evidence of water voles was recorded during the submitted survey. Only a single survey visit was however undertaken rather than the two visits required by current best practice guidance. No evidence of water voles has been recorded during other surveys in this locality therefore considering the lack of evidence of the extent of works proposed, it is advised that on balance water voles are not reasonable likely to be affected by the proposed development.

Hedgerow

Hedgerows are a priority habitat and hence a material consideration. In addition, the hedgerow on the southern site boundary has been identified as being Important under the Hedgerow Regulations. For the most part it appears feasible for the hedgerow to be retained as part of the development of this site, however a section of hedgerow may be lost if a cycleway link is provided to development to the south as shown on the submitted illustrative layout plan.

Badger

No evidence of badger activity was recorded during the submitted survey. Based on the current status of badgers on site it is advised that this species is not reasonable likely to be present or affected by the proposed development. The status of badgers on site may however change over time. It is therefore recommended that if planning consent is granted a condition be attached which requires any future reserved matters application to be supported by an updated badger survey and assessment.

Kingfisher

The ecologist who undertook the surveys on site has confirmed that the watercourse where the drainage outfall would be installed has limited potential to support this protected bird species.

Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Biodiversity Net Gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. In order to assess the impacts of the proposed development the applicant has submitted an assessment undertaken using the Defra biodiversity offsetting 'metric' version 3 methodology.

For the most part, the Council's Ecologist concurs with the submitted metric. The Council's Ecologist has however made a minor amendment to the metric as submitted. The revised metric shows a loss of -1.44 biodiversity units. If the scheme was to aim to deliver 10% net gain, then a total of 2.30 additional biodiversity units would be required.

The applicant has proposed the payment of a commuted sum as a means of delivering the required units. The precise level of commuted sum and the form of legal agreement necessary to secure the commuted sum needs to be established.

Habitat creation is proposed on-site that contributes to reducing the net loss of biodiversity. If planning consent is granted a condition would be required to secure the submission of a Habitat Creation Method Statement and 30 year Habitat Management and ecological monitoring plan for the on-site habitat creation. The management plan should include proposals for the control of Himalayan Balsam and Japanese knotweed on site.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

It is therefore recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Layout/Amenity/Building height

Approval is not sought for the layout, which is submitted for illustrative purposes only, however it aims to demonstrate the level of development that could be provided on the site with its constraints. Whilst the layout is likely to require some work at the detailed (reserved matters) stage to ensure an attractive site frontage is produced and that there is reasonable space on the site frontage for landscaping, it is felt that a development of a similar scale to that proposed can be achieved within the site.

Similarly there is no information submitted with regard to building height, which although the site sits a lower level from adjoining roads, will be important on this important prominent site. This will need to be carefully considered as part of any reserved matters submission.

Noise

In support of the application, the applicant has submitted an acoustic report 0503/APR1 dated 12/07/21.

The impact of the noise from proposed development has been assessed in accordance with:

- BS4142:2014 Methods for rating and assessing industrial and commercial sound.

An agreed methodology for the assessment of the noise source.

The report recommends that no noise mitigation measures are required to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties / occupants of nearby properties are not adversely affected by noise from the development.

The reports methodology, conclusion and recommendations are accepted.

Air Quality

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Congleton has an Air Quality Management Area and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed. Conditions relating to electric vehicle charging are recommended.

Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

The application area has a history of agricultural use and therefore the land may be contaminated.

A Phase I Preliminary Risk Assessment and a Phase II Geoenvironmental Assessment have been submitted in support of the planning application.

The Phase I report has been updated following initial comments.

Detailed comments have been received in relation to the report submitted, and some of the monitoring and sampling and hence conclusions reached have been questioned.

The rest of Environmental Protection's comments on the Phase II report have been addressed satisfactorily.

As such, and in accordance with paragraphs 174, 183 and 184 of the NPPF 2021, Environmental Protection recommends conditions, reasons and notes be attached should planning permission be granted.

The applicant's comments on these questions on the report are awaited and will be reported to Members in an Update Report.

Flood Risk/Drainage

Comments from the Flood Risk Team are awaited, although the Environment Agency raised no objections subject to conditions. They do however provide advice to the applicant that:

- They should provide topographical levels for the site on the Flood Risk Assessment.
- They should consider using SUDS throughout the site.
- Any infrastructure close to the River Dane should be carefully considered, as the watercourse is highly mobile.
- Outfalls into the river should be carefully considered.

A condition requiring details of drainage to be approved is recommended.

CONCLUSIONS

The proposed development of this site for B2/B8 uses accords with the allocations in Local Plan policy Site LPS 27 - Congleton Business Park Extension which allocates the site for employment uses.

The Environment Agency and Natural England have raised no objections.

Highways have raised no objections, subject to conditions, a contribution to the Congleton Link Road, and a bus service contribution.

Environmental protection have raised some questions regarding the contaminated land report and the applicant's comments will be reported to Members as part of any Update Report. Other environmental impacts are all capable of being mitigated by measures that can be conditioned.

The Council's Ecologist is satisfied with the proposals, subject to agreeing a commuted sum for biodiversity net gain. Members will be updated on this sum in any Update Report.

The Council's Tree and Landscape officers offer no objections but have set out issues that will need to be addressed as part of any reserved matters application.

Comments from the Council's Flood Risk team are awaited, but the Environment agency have raised no issues, and are the responsible authority as the River Dane falls within their remit as a main river.

SECTION 106

A Section 106 Agreement is required to secure the following:

1. Congleton Link Road contribution of £287,310 based on a £30sq.m commercial development.
1. Bus service contribution of £150,000
2. Biodiversity net gain payment based on 2.30 additional biodiversity units figure TBC

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the

development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

RECOMMENDATION

Approve subject to a Section 106 Agreement and subject to the following conditions;

1. Commencement of development (3 years) or 2 from date of approval of reserved matters
1. 3 year submission of reserved matters
2. Reserved matters to be approved
3. Approved Plans
4. Materials
5. Landscaping
6. Implementation of landscaping
7. Construction Management Plan to be submitted prior to commencement.
8. Travel Plan to be submitted prior to occupation of the first dwelling.
9. Off-site works for the uncontrolled pedestrian crossing point and ghost right turn lane on Viking Way.
10. Requirement to secure the small section of ped/cycle footway on the north west corner of the site that links to the CLR.
11. Arboricultural Impact Assessment which also considers the SUDs proposals in accordance with Sections 5.4 (BS5837:2012) and Tree protection Plan (Section 5.5 BS57837:2012).
12. Arboricultural Method Statement (Section 6.1 BS5837:2012).
13. A Woodland Management Plan which makes a commitment to enhancing and managing existing tree cover on the site to accord with Policy SE5 and SE3 should be provided.
14. Any future reserved matters application to be supported by an updated protected species surveys, impact assessment and mitigation proposals.
15. Each reserved matters application to be supported by a habitat creation method statement, habitat management plan and ecological monitoring strategy. These to be for a duration of 30 years and informed by the results of the submitted Biodiversity Net Gain Assessment..
16. Ecological enhancement measures to be submitted with each future reserved matters application.
17. Lighting strategy design to minimise impacts on nocturnal wildlife.
18. Reserved matters application to be supported by proposals for the safeguarding of an undeveloped 50m buffer as shown on the submitted parameters plan. No development, including the storage of materials or levels changes to take place within this buffer unless approved in writing by the LPA.
19. Footpaths to be routed outside the woodland except where required to form a link to the south.
20. Electric Vehicle Charging points (commercial).
21. Submission of a post demolition Phase II ground contamination and risk assessment together with a remediation report.
22. Control of soils brought onto site.

23. Measures to address contamination should it be expectantly be found during works.
24. Jodrell Bank mitigation measures.
25. Approval of levels.
26. Development to accord with the recommendations of the submitted flood risk assessment
27. Drainage strategy/design in accordance with the appropriate method of surface water drainage chosen.
28. Foul and surface water drained on separate systems.

Informatives;

- **Water Course & Bylaw 10**
- **EP Informatives**
- **Contaminated Land**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

