

Application No: 24/2497C

Location: John Morley Importers Limited Morley Drive, Congleton, Cheshire East, CW12 3LF

Proposal: Demolition of existing buildings and regeneration of site to provide a care home, 53 retirement living apartments and 14 houses

Applicant: Mr JP Singleton McGoff Group Properties Ltd and McCarthy and Stone Retirement Lifestyles Ltd

Expiry Date: 05-Dec-2024

1. REASON FOR REFERRAL

- 1.1. The floor area to be created exceeds the delegated threshold

2. DESCRIPTION OF SITE AND CONTEXT

- 2.1. The application site extends to 1.6 hectares and currently houses the existing factory buildings.
- 2.2. The site is bound by the railway to the north/north-west, the Macclesfield Canal to the south with residential properties beyond and public open space to the east with residential beyond.
- 2.3. The care home would provide 95 jobs (75 full time).
- 2.4. The site is located in the Settlement Boundary as per the Local Plan. The canal to the south is within a Conservation Area and the bridge over it is a Grade II Listed Structure.

3. DESCRIPTION OF PROPSAL

- 3.1. The application proposes the demolition of existing factory buildings and regeneration of site to provide a care home (C2), 53 retirement living apartments (C3) and 14 houses (C3).
- 3.2. Access for the care home would be via Morley Drive with access for the retirement living apartments and dwellings taken off Worsley Drive.

4. RELEVANT PLANNING HISTORY

- 4.1. Various applications for commercial/industrial use:

16/4170D - Discharge of conditions 1, 2 and 3 of existing permission 11/1676C; Extension to Existing Warehouse – Approved 18-Oct-2016

14/3123C - Details of the Landscaping – Approved 27-Aug-2014

11/1676C – Extension to Existing Warehouse – Approved 31-Aug-2011

18605/3 - Extension to factory, emergency access and public open space – Approved 28-Oct-1987

5. NATIONAL PLANNING POLICY

- 5.1. The National Planning Policy Framework (NPPF) was first published by the Government in March 2012 and has since been through several revisions. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF is a material consideration which should be taken into account for the purposes of decision making.

6. DEVELOPMENT PLAN POLICY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Cheshire East Local Plan Strategy (2010 – 2030) was adopted in July 2017. The Site Allocations and Development Policies Documents was adopted in December 2022. The policies of the Development Plan relevant to this application are set out below, including relevant Neighbourhood Plan policies where applicable to the application site.

- 6.2. Relevant policies of the Cheshire East Local Plan Strategy (CELPS) and Cheshire East Site Allocations and Development Plan Policies Document (SADPD)

- 1.SADPD Policy PG 8: Development at local service centres
- 2.SADPD Policy PG 9: Settlement boundaries
- 3.SADPD Policy GEN 1: Design principles
- 4.SADPD Policy ENV 1: Ecological network
- 5.SADPD Policy ENV 15: New development and existing uses
- 6.SADPD Policy ENV 16: Surface water management and flood risk
- 7.SADPD Policy ENV 2: Ecological implementation
- 8.SADPD Policy ENV 3: Landscape character
- 9.SADPD Policy ENV 5: Landscaping
- 10.SADPD Policy ENV 6: Trees, hedgerows and woodland implementation
- 11.SADPD Policy ENV 7: Climate change
- 12.SADPD Policy HER 1: Heritage assets
- 13.SADPD Policy HER 3: Conservation areas
- 14.SADPD Policy EMP 2: Employment allocations
- 15.SADPD Policy HOU 1: Housing mix
- 16.SADPD Policy HOU 10: Backland development
- 17.SADPD Policy HOU 12: Amenity
- 18.SADPD Policy HOU 13: Residential standards
- 19.SADPD Policy HOU 14: Housing density
- 20.SADPD Policy HOU 16: Small and medium-sized sites
- 21.SADPD Policy HOU 2: Specialist housing provision
- 22.SADPD Policy HOU 8: Space, accessibility and wheelchair housing standards
- 23.SADPD Policy INF 3: Highway safety and access
- 24.SADPD Policy INF 9: Utilities
- 25.SADPD Policy REC 2: Indoor sport and recreation implementation
- 26.SADPD Policy REC 3: Open space implementation
- 27.SADPD Policy REC 5: Community facilities
- 28.CELPS Policy MP 1: Presumption in favour of sustainable development

- 29.CELPS Policy PG 1: Overall development strategy
- 30.CELPS Policy PG 2: Settlement hierarchy
- 31.CELPS Policy PG 7: Spatial distribution of development
- 32.CELPS Policy SD 1: Sustainable development in Cheshire East
- 33.CELPS Policy SD 2: Sustainable development principles
- 34.CELPS Policy IN 1: Infrastructure
- 35.CELPS Policy IN 2: Developer contributions
- 36.CELPS Policy EG 1: Economic prosperity
- 37.CELPS Policy EG 3: Existing and allocated employment sites
- 38.CELPS Policy SC 1: Leisure and recreation
- 39.CELPS Policy SC 2: Indoor and outdoor sports facilities
- 40.CELPS Policy SC 4: Residential mix
- 41.CELPS Policy SC 5: Affordable homes
- 42.CELPS Policy SE 1: Design
- 43.CELPS Policy SE 12: Pollution, land contamination and land instability
- 44.CELPS Policy SE 13: Flood risk and water management
- 45.CELPS Policy SE 2: Efficient use of land
- 46.CELPS Policy SE 3: Biodiversity and geodiversity
- 47.CELPS Policy SE 4: The landscape
- 48.CELPS Policy SE 5: Trees, hedgerows and woodland
- 49.CELPS Policy SE 6: Green infrastructure
50. SE 7: The historic environment
51. SE 9: Energy efficient development
52. CO 1: Sustainable travel and transport
53. CO 4: Travel plans and transport assessments

6.3. Neighbourhood Plan

There is no Neighbourhood Plan for Congleton.

7. **Relevant supplementary planning documents or guidance**

- 7.1. Supplementary Planning Documents and Guidance do not form part of the Development Plan but may be a material consideration in decision making. The following documents are considered relevant to this application:

- SPG Provision of Private Open Space in New Residential Developments
- Biodiversity Net Gain SPD
- Environmental Protection SPD
- SPD Cheshire East Council Design Guide

8. **CONSULTATIONS (External to Planning)**

- 8.1. **CEC Adult Social Care** - No objection
- 8.2. **CEC Head of Strategic Infrastructure (Highways)** - No objection subject to conditions regarding implementation of improvements to junction and visibility and construction management plan
- 8.3. **CEC Flood Risk** – No objection subject to condition requiring compliance with the drainage plans
- 8.4. **CEC Environmental Protection** – No objection subject to conditions/informatives regarding working hours for construction sites, piling, floor floating, boilers, dust, travel

plan, electric vehicle charging, compliance with the noise report and contaminated land

- 8.5. **CEC Housing** – No objection
- 8.6. **CEC Education** – No objection subject to contribution of £53,434 towards secondary education
- 8.7. **CEC Public Rights of Way** – No objection but advisory notes offered to the applicant
- 8.8. **Flood Risk** – No objection subject to condition requiring a drainage strategy
- 8.9. **ANSA** – No objection subject to contribution towards the existing off site POS and outdoor sport
- 8.10. **Cheshire Fire and Rescue** – General comments offered
- 8.11. **Cheshire Archaeology** – No objection
- 8.12. **Network Rail** – Holding objection on the following grounds:
- There is a rail maintenance access point for rail plant right opposite the residential development site. Network Rail would need to get a view whether this is likely to cause problems as there could be complaints regarding rail maintenance activities. Rail maintenance can occur 24/7/365, at weekends, nighttime, evenings, bank holidays and the developer must not increase NR's liability including impacting the access.
 - Also, the developer does not appear to have taken into account the impacts of noise/vibration from the pre-existing rail maintenance facility
- 8.13. **Environment Agency** – No objection subject to conditions regarding contamination
- 8.14. **United Utilities** – No objections subject to compliance with the submitted Foul & Surface Water Drainage Design Drawing
- 8.15. **Canal and Rivers Trust** – No objection however request conditions to deal with integrity of the cutting to the canal towpath, drainage management, construction management plan to protect integrity of an existing bridge. Also request a contribution of approximately £20,000 towards towpath patch repairs in between Bridge 74 and Bridge 76, adjacent to the site
- 8.16. **Cheshire Fire and Rescue** – Advisory notes offered to the applicant
- 8.17. **Congleton Town Council** – No objection but make following comments:
- POS to be drained and play area provided
 - Morley Drive Road needs to be made good and footbridge needs pedestrian and vehicle separation
 - Affordable homes should be provided
 - Reduce Morley Drive speed limit to 10pmh
 - Enforce weight limit of 3.5 tonnes
 - Provision of delineation between vehicles and pedestrians on Morley Drive

9. REPRESENTATIONS

9.1. Several letters of objection have been received which raise the following issues;

- Highway safety concerns
 - Impact to stability of the listed bridge
 - Impact on appearance of the listed bridge and conservation area
 - Impact to ecology
 - No need for the development (care home, retirement living and housing)
 - Noise/disturbance
 - Overdevelopment of the site
 - NDSS
 - Garden sizes
- Drainage/flood risk/sewage
Impact to setting of listed bridge and canal conservation area

10. OFFICER APPRAISAL

Principle of the development

10.1. The site is located within the Settlement Boundary for Congleton, as such Policy PG9 of the SADPD identifies that within the Settlement Boundary proposals '*will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan*'.

10.2. The principle of development within the settlement boundary is accepted provided that it accords with CELPS Policies SD1, SD2 and SE1 and SADPD Policies GEN1. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms.

Key Issues

10.3. The issue in question is whether there is other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the land use support.

Housing Land Supply

10.4. Cheshire East's latest published housing land supply position is set out in the Housing Monitoring Update 22/23 (base date 31st March 2023). This identifies a 5 year deliverable supply of 11,845 dwellings.

10.5. New local housing need figures (calculated using a revised Standard Method) were published for LPAs alongside the revised NPPF last week. Cheshire East's LHN is now 2,461 dwellings (was previously 977dpa). This figure will be updated annually.

10.6. The following table shows the calculation of 5-year housing land supply based on the published supply in the HMU 22/23 and our new LHN figure (+ 5% buffer).

Five Year Supply Calculator - New standard method	
22/23 Forecast	11845
Basic annual requirement	2461
Buffer	123
Annual requirement	2584
Five year supply	4.6

- 10.7. Cheshire East is now, therefore, not able to demonstrate a 5 year supply of deliverable housing sites. Applications for the provision of housing may therefore subject to the tilted balance under paragraph 11d of the Framework. Please note that paragraph 11d) has been revised, particularly 11d) ii. which highlights the need have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 9 says where the relevant policies covering these matters are to be found in the NPPF.

Loss of Employment Use

- 10.8. The proposal whilst not an allocated employment site, would result in the loss of an existing employment use. Therefore, application needs to be assessed against Policy EG3 (Existing and Allocated Employment Sites) which advises:

1. *Existing employment sites will be protected for employment use unless:*
 - i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
 - ii. The site is no longer suitable or viable for employment use; and*
 - a. There is no potential for modernisation or alternate employment uses; and*
 - b. No other occupiers can be found (need evidence of being marketed at a realistic price reflecting its employment status for a period of not less than 2 years)*
2. *Where it can be demonstrated that there is a case for alternative development on existing employment sites, these will be expected to meet sustainable development objectives as set out in Policies MP 1, SD 1 and SD 2 of the Local Plan Strategy. All opportunities must be explored to incorporate an element of employment development as part of a mixed-use scheme.*

- 10.9. In terms of criterion 1, the supporting statement advises that the proposal would remove an existing non confirming use given its location in a predominantly residential setting removing concerns of noise/general disturbance. Comments from the Council Environmental Protection Officer confirm that noise complaints have been received in the past from use of the site. It is also clear that the location of such a use in close proximity to residential properties is not ideal and to some degree suggest that the site is no longer suitable for employment use, thus complying with criterion 1.

- 10.10. The proposal seeks a mixed-use scheme to provide a care home, retirement living apartments and residential dwellings. The care home would provide 95 jobs (75 full time), the number of jobs created for the retirement units has not been provided but would provide employment for maintenance and management. Therefore, in line with

criterion 2 an element of employment development would be provided as part of the mixed-use scheme.

10.11. The planning statement also advises that the factory closed 24th June 2024, following the sale of the site in 2021 to James Flemming and Co Ltd who run a similar business for bakery products in Wigan. As part of the agreement James Flemming signed a short terms lease for the whole of the site for 2 years whilst an extension was added to the Wigan site to accommodate the extra business. Therefore, whilst the employment use would be removed from this site, the actual business and employment would be retained at the Wigan site.

10.12. The loss of the existing non confirming employment use in this predominantly residential locality is considered to be justified and the existing use has been relocated elsewhere, and an element of employment use would be retained at this site. Therefore, the proposal complies with CELPS Policy EG3.

Need for care home and retirement living

10.13. Policy HOU2 of the SADPD advises that the delivery, retention and refurbishment of supported and specialist housing, which meets an identified need, will be supported.

Schemes that provide specialist housing for older people, whilst promoting independent living, will be supported, provided that the following criteria are met:

- i. the type of specialist accommodation proposed meets identified needs and contributes to maintaining the balance of the housing stock in the locality;*
- ii. the proposal provides easy access to services, community and support facilities, including health facilities and public transport, enabling its residents to live independently as part of the community;*
- iii. the proposal meets the accessibility and wheelchair housing standards set out in Policy HOU 8 'Space, accessibility and wheelchair housing standards';*
- iv. the design of the proposal, including any individual units of accommodation, should be capable of meeting the specialist accommodation support and care needs of the occupier. This includes pick up and drop off facilities close to the principal entrance suitable for taxis (with appropriate kerbs), minibuses and ambulances and the ability to provide assistive technology and internet connectivity where relevant;*
- v. the provision of suitable open space/grounds that can be used by residents;*
- vi. the provision of suitable levels of safe storage and charging facilities for residents' mobility scooters, where relevant; and*
- vii. affordable housing provision will be required in line with the thresholds and policy approach set out in LPS Policy SC 5 'Affordable homes', where independent dwellings would be formed.*

Care Home

10.14. The Carterwood Planning Need Statement submitted in support of this application advises that based on 2026 need, there is an undersupply of 20 minimum market standard care home beds in the market catchment and 78 in Cheshire East. The shortfalls increase to 258 and 1913 beds in the market catchment and Cheshire East area when assessed on the need for full market standard bedrooms (providing level access en-suite).

10.15. In terms of minimum market standard dedicated dementia care beds, based on 2026 need, there is a shortfall of 101 beds in the market catchment area and 580 beds

within Cheshire East. This rises to 140 and 1029 respectively when assessed on the basis of full market standard bedrooms.

Retirement Living

10.16. The Three Dragons report for retirement living apartments confirms that a total of 12,435 dwellings for older people should be delivered before the end of the LPS plan period in 2023. Of the total need identified nearly half the 6121 units are for leaseholder sheltered housing.

Councils Adult Care Team

10.17. The Councils Adult Care Team have been consulted who advise that whilst Adult Social Care strategic direction is shifting away from care homes, they do not object given the detailed planning needs assessment which has been provided and demonstrates the current need for this type of accommodation.

Conclusion

10.18. Based on the above it appears that there is a need for retirement living accommodation and care home which specialises in dementia care within Cheshire East, which is likely to increase as the population ages. The site is located in a sustainable location and would allow integration into the existing community. It would also provide relevant internal and external spaces.

10.19. Therefore, the proposal complies with Policy HOU2 of the SADPD.

Affordable Housing

10.20. Policy SC5 advises in developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable.

10.21. The proposed care home falls within a C2 use class and therefore has no requirement for affordable housing. The requirement therefore comes from the 53 retirement living apartments and the 14 dwellings, 67 units in total.

10.22. Ordinarily to comply with Policy SC5 the proposal would require 20 affordable units.

10.23. However, Para 65 of the NPPF advises that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. Proportionate amount is defined in footnote 30 as equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

10.24. The Councils Housing Supplementary Planning Document follows the NPPF approach and advises that one way of calculating Vacant Building Credit (VBC), could be to use the following formula:

– (net change in floorspace / proposed floorspace) x affordable housing policy requirement

10.25. When following the formula, the calculation in this instance would be ((-819/6,329) x 30%).

- 10.26. In this case the existing accommodation extends to 7,148m² excluding the areas covered by canopy. The GIA of the proposed scheme (excluding the care home) extends to 6,329m² resulting in an overall reduction in floorspace (819m²). After allowing for this reduction in floorspace and applying VBC, the affordable housing requirement would equate to 0%.
- 10.27. Therefore, based on a VBC deficit, there is no requirement for affordable housing provision on this site.

Education

- 10.28. The development of 11 family (2 bedroom plus) dwellings or more would require a contribution towards education.
- 10.29. In this instance the proposal for care home and retirement living would not require any contribution (condition would be required to secure age of occupants for the retirement living units).
- 10.30. The housing mix for the 14 houses would be all 3 bed properties.
- 10.31. The Local Plan is expected to deliver 36,000 houses in Cheshire East, which is expected to create an additional 6,840 primary aged children and 5,400 secondary aged children. 422 children within this forecast are expected to have a special educational need.
- 10.32. The development of 14 dwellings is expected to generate:

4 - Primary children (14 x 0.29)
2 - Secondary children (14 x 0.14)
0 - SEN children (14 x 0.60 x 0.047%)

- 10.33. The development is expected to impact on primary and secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at primary and secondary schools in the area because of agreed financial contributions.
- 10.34. To alleviate forecast pressures, the following contributions would be required:

2 x £26,717.00 = £53,434.00 (Secondary)

Total education contribution: £53,434.00

- 10.35. The above contribution can be secured way by of Section 106 Agreement.

Health

- 10.36. The South Cheshire Commissioning Group (SCCG) has devolved powers to act on behalf of the NHS. In order to mitigate the impact of this development a contribution has been requested and this will be secured as part of a S106 Agreement. The requested contribution is as noted below to support the development as they consider this planning application will have a direct impact on health care provision and would be used to improve health infrastructure facilities within the Congleton Locality and Primary Care Network that supports patient care provision within the area, being

Lawton House Surgery, Meadowside Medical Centre, Readesmoor Medical Centre & Holmes Chapel Health Centre.

- 10.37. The required contribution is in line with Supplementary Planning Document for Developer Contributions – Health Infrastructure, based on:

1 bed unit x 31
2 bed unit x 22
3 bed unit x 14

Total: 67 Units x £904

= £60,568

- 10.38. As a result, the contribution is considered to be both reasonable and necessary and should be secured by way of section 106 agreement.

Open Space

- 10.39. Policy SE6 requires major developments (10 or more) to provide open space in line with Table 13.1 of this policy, which requires 65m² per family dwelling consisting of children's play space, amenity green space, food growth and green infrastructure connectivity to be provided on site in the first instance. However also advises that in some cases, commuted sums generally may be more appropriate for improvement of other open spaces and green infrastructure connectivity.

- 10.40. Following initial concerns from the Council Open Space Officer about the lack of integration to the wider community she welcomes the community orchard adjacent to the POS now being available to all existing and new residents to enjoy along with the addition of further fruiting trees adjacent to Terrace D in the north of the site.

- 10.41. Concerns were raised by Network Rail regarding the swale close to the railway line. This has been removed from the POS on the northern border. The addition of a Local Area of Play (LAP) sized play facility has provided a positive addition to the scheme. This now satisfies the quantum of POS for the 14 family dwellings. The revised boundary treatment plan shows bow top fencing although the detail is somewhat limited. For clarity, the Council's Public Open Space Officer suggests the bowtop fencing should be Playspec to avoid head and neck entrapments. There have been additional access gates added for safety which should be self-closing.

- 10.42. The 53 retirement apartments have private community space which does not meet policy quantum of space. The applicant will not be providing a link through to the existing open space to the east as initially indicated, however the applicant is willing to fund some reasonable improvements of the existing open space for the benefits of existing and new residents. These improvements could include but not limited to accessible pathways, planting, signage and seating. When POS and GI connections are not being provided on-site, off-site contributions can be accepted in line with the Council's SPD. Given the close proximity of the application site, being adjacent to the POS this is considered reasonable and would not require future occupiers to travel far from the site for such open space.

- 10.43. Offsite contributions for POS are £2,346.81 per bed space in apartment. Offsite contributions for GI Connectivity are £293.35 per bed space in apartments to a maximum of £586.70 per apartment.

10.44. In terms of Policy SE6 requirement for outdoor sports contributions, the proposal will increase demand on existing facilities and as such a financial contribution towards off site provision is required. The financial contribution required is £1,564.54 per family dwelling or £782.27 per bed space in apartments (to a maximum of £1,564.54 per apartment).

10.45. This can be secure by way of section 106 agreement.

10.46. As a result the Councils Public Open Space Officers raises no objection to the proposal but suggests conditions be secured for the following:

- Landscaping for POS to ensure maximum usage, accessibility and good clear sight lines into the space
- Details of design, infrastructure and layout of the LAP
- Management and maintenance plan

10.47. The proposal therefore complies with Policy SE6 of the CELPS.

Housing Mix

10.48. Policy SC4 advises that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

10.49. Policy HOU1 In line with LPS Policy SC 4 'Residential mix', housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demand. In particular it suggests a recommended mix as below as a starting point:

	Market housing	Intermediate housing	Affordable housing for rent
1 bedroom	5%	14%	26%
2 bedroom	23%	53%	42%
3 bedroom	53%	28%	20%
4 bedroom	15%	4%	10%
5+ bedroom	3%	1%	3%

10.50. The proposal seeks the following mix:

- 14 x three beds

10.51. As can be seen from the table above the mix would not be provided as per the recommendation in Policy HOU1. However, the text makes it clear that this is to be used as a starting point only and is not a rigid standard.

10.52. The aim of this policy appears to provide a mix of all housing tenure and bedroom units to suit the needs of all and not to be dominated by larger 4 plus bedroom properties. Whilst it would only provide 3 bed properties, it would fulfil the current need for this housing type within Congleton (Homechoice rental data from the end of Feb is 63 for 3 bedrooms for those with a local connection to Congleton) and would also meet an identified need for specialist care provision and retirement living accommodation both of which are required within Cheshire East.

10.53. As such this mix of housing would provide opportunity for all and thus is deemed to be acceptable.

Space Standards

10.54. In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS).

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	

10.55. The proposal provides 3 beds for 5 people over 3 stories so requires 99sqm. The smallest plots provide 132sqm so in excess of this standard.

10.56. Policy HOU8 also requires for major developments that at least:

- a. 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- b. at least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

And that:

- a. all specialist housing for older people should comply with M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
- b. at least 25% of all specialist housing for older people should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.

10.57. In this instance plot 10 of the houses has been revised to meet M4(3)(2)(a) (6% of the housing) and all of Terrace D meet the requirements of M4(2) (30% of the housing).

10.58. The retirement apartments all achieve M4(2) compliance and a number of the 2 bed apartments are M4(3)(2)(a) compliant.

10.59. Therefore, the proposal complies with Policy HOU8 of the SADPD.

Location of the Site

10.60. Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise

the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

10.61. In this case the site is served by a range local facilities within walking distance of the site with shops, pharmacy, post office etc located 200m away to the south off Park Lane. The Railway is also located immediately to the west of the site. Bus stops are also located 200m to the south off Park Lane with regular services to Congleton and Newcastle. As such the site is considered to comply with sustainability Policies SD1 and SD2.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

10.62. With regards to neighbouring amenity, Policy HOU12 advises development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

10.63. Policy HOU13 sets standards for spacing between windows of 18m between front elevations, 21m between rear elevations or 14m between habitable to non-habitable rooms. For differences in land levels, it suggests an additional 2.5m for levels exceed 2m.

10.64. The main residential properties affected by this development are off Morley Drive and Fenton Close to the south and Bridgewater Close to the east.

10.65. The plots would all achieve well in excess of the required interface distances to neighbouring properties which would prevent any significant harm to living conditions from overbearing, overshadowing or loss of privacy. In addition, there is also a high level of existing screening.

10.66. Some noise disturbance may occur from use of the site and from the coming and going of cars, however given the existing use of the site as a factory, which would also have resulted in noise and disturbance from the use and deliveries, staff movements etc it is not considered that the proposal would result in any significant noise intensification over and above that from the existing use.

Future Amenity

10.67. Policy HOU13 does not set an expected size of garden area but advises proposals for dwellings houses shall include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.

10.68. The 14 houses would have private garden areas totalling between 58-125sqm which would be utilised by future occupiers. The retirement apartments do not have private gardens, but all have access to a shared area of open space centrally within the site, this area also includes seating areas and allotments for food growing. The care home also has its own outdoor garden area to the west. Therefore, future residents could

use these areas for outdoor activities and it is considered that suitable private amenity areas have been provided.

10.69. A noise report has also been provided in support of the application to consider the impact to future occupants from road noise/noise from the railway. This concludes that noise levels would be within statutory limits subject to implementation of the below measures:

- The mitigation recommended in the acoustic report 240528-R001 dated 27/06/2024 shall be implemented in full prior to the occupation of each unit / dwelling / phase.
- In particular the good acoustic design relating to ventilation, glazing, acoustic insulation, outdoor amenity and noise from fixed plant in sections 6.2, 6.3 6.4 and 6.5 is to be implemented in full.
- The agreed mitigation scheme shall be maintained for the purpose originally intended throughout the use of the development.

10.70. The Councils Environmental Protection Officer agreed with the conclusions and raises no objection subject to condition requiring compliance with the measures within the noise report.

10.71. Therefore, the proposal could be accommodated without significant harm to living conditions of neighbouring properties and complies with Policy HOU12 of the CELPS.

Air Quality

10.72. Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

10.73. The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and low emission boilers.

Contaminated Land

10.74. As the application is for new residential properties which are a sensitive end use and could be affected by any contamination present a contaminated land condition will be attached to the decision notice of any approval.

Highways

Site description and current application proposal

10.75. The site is located in the urban area of Congleton adjacent to the railway station. It is bound by the railway line to the north and west; the canal to the south; and public open space and a residential area to the east. The main access is currently via Morley Drive and then onto Park Lane.

10.76. The site is currently occupied by a large industrial unit with a floor area of over 8,000sqm. The proposal is to demolish the industrial unit and replace it with a 70 bed care home; 53 retirement living apartments; and 14 residential properties.

Sustainable access

- 10.77. The site is within the urban area of Congleton with established pedestrian links to the wider area including to the nearby train station and bus stops, both of which are only a few minutes' walk from the site.
- 10.78. The bus service is hourly and provides access to nearby villages and Newcastle-under-Lyme and the train station provides access to Manchester, Macclesfield and Stoke-on-Trent. The centre of Congleton is approximately 20-minute walk away with existing footway infrastructure available.

Safe and suitable access

- 10.79. Currently the main access is from Morley Drive with an emergency access from Worsley Drive to the east. Morley Drive would have historically accommodated employee vehicle trips, and also all deliveries and distribution HGVs, but is relatively narrow for the most part including the canal bridge access and is considered unsuitable for modern day use for such a large industrial development. The emergency access via Worsley Drive will be upgraded to an adoptable access to the development and the proposed development vehicle trips would therefore be split between both accesses. Drivers will access the care home from Morley Drive and the retirement and residential properties will be accessed via Worsley Drive.

Pedestrian access

- 10.80. There will be three new pedestrian/cyclist accesses to the site and the existing one will remain. A new access will be created to the east of the site from Worsley Drive and another to the west of the site, on the southwestern corner, to the train station. A new pedestrian/cycle path along the site frontage will connect these 2 access points providing access to the station for the new residents and also for existing residents to the east. The applicant wishes for this pedestrian/cycle path to remain private, and a legal agreement will therefore be required to ensure public access is allowed.
- 10.81. The existing pedestrian access will also be available from Morley Drive onto Park Lane where there is a signalised pedestrian crossing to shops on the opposite side of Park Lane. Separate from the planning application there are also plans for a signalised pedestrian crossing northwards on Park Lane in the vicinity of the train station.
- 10.82. There will be an increase in pedestrian traffic as a result of the development, but these trips will split between these access points. A section of hedge on Morley Drive will also be removed/set back to improve forward visibility for drivers and pedestrians.

Morley Drive access

- 10.83. The care home is forecast to generate 136 two-way vehicle movements across a typical day, including 20 two-way movements during the busiest hour in the PM peak and 10 in the AM peak. The care home would generate on average 2 HGV movements per day (1 in and 1 out).
- 10.84. Traffic surveys on Morley Drive indicated the existing site currently generates approximately 100 vehicle movements during a weekday which includes around 23 HGV movements including larger articulated vehicles. The traffic survey took place when the existing business was being wound down and doesn't fully represent what the existing industrial use could generate. Data from other comparable sites indicates

that if another occupier were to move in and fully utilise the B2 use, it could generate several hundred vehicle movements per day including up to around 45 HGV movements. With regards to the vehicular impact on Morley Drive it is clear that the proposal represents a highways safety gain.

Worsley Drive access

10.85. The emergency access will be amended to include a new 5.5m wide carriageway and footway alongside it which is adequate to serve the retirement living apartments and houses. This access currently serves little to no traffic and the development will generate around 180 vehicle trips per day with the busiest peak hour generating approximately 20 vehicle trips. Worsley Drive is part of the adopted highway and is adequate to cater for this additional traffic. Drivers would then exit onto Henshall Hall Drive where visibility to the right is limited. Henshall Hall Drive is wide which allows for it to be narrowed with a kerb build-out which will improve the visibility considerably as shown on plan 'SCP/230089/D07 Rev A'. This is considered acceptable and should be conditioned.

10.86. Drivers would then exit onto Park Lane to the south. This junction is established serving a large number of properties and there have been no recorded traffic accidents in the vicinity of it over the last 5 years. There is also a speed camera on Park Lane just west of the junction to assist in managing vehicle speeds.

Internal Layout

10.87. The internal access will be of adequate width for safe vehicle movement and there will also be sufficient turning areas within the site for larger vehicles.

10.88. With regards to parking all the town houses will provide parking in accordance with standards.

10.89. The retirement apartments will consist of 31 one beds and 22 two beds and for a standard residential development this would result in a requirement of 75 spaces. The development will provide 40 spaces for the apartments and CELP allows for variations of car parking standards if suitable data sources are provided which justify it. The apartments will have an age restriction applied to them with the applicant stating that the average occupant age is 78 and residents are at a stage in their life where, for various reasons, are less likely to require a car. The applicant has carried out surveys of their other sites which show car ownership for a 1-bed apartment to be 0.343 cars and for a 2-bed apartment is 0.564 cars; this equates to a car ownership of 24 cars for the current proposal. Also based on parking surveys of other comparable sites the proposed provision is sufficient to cater for visitors and staff and is considered acceptable.

10.90. Applying the parking standards to the care home it would require 36 spaces and 30 are to be provided. Based on surveys of other care home sites in Cheshire East this is adequate to serve the development and will not result in an adverse impact on highway safety.

Conclusion

10.91. The Morley Drive access is narrow in parts, but the number of vehicle trips and HGV usage will decrease compared to the existing land use, and the number of vehicles it will have to accommodate will average at 1 every few minutes during the busiest peak

hour. There is sufficient width for pedestrian use also and forward visibility on it will be improved.

10.92. Likewise, the Worsley Drive access will also will generate on average 1 every few minutes during the busiest peak hour, and visibility onto Henshall Hall Drive will be improved.

10.93. Pedestrian and cyclist access to the site will be improved.

10.94. There is an acceptable level of parking within the site which will therefore not impact upon the public highway and there is adequate turning areas for larger vehicles.

10.95. As a result, the Councils Highways Engineer raises no objection given the sustainable location and proposed highway improvements subject to the following conditions and informative:

- Condition: the improvement to the Worsley Drive/Henshall Hall Drive junction as seen on plan 'SCP/230089/D07 Rev A', and the improvement to visibility on Morley Drive, as shown on plan 'SCP/230089/D05', should be provided prior to occupation.
- Condition: prior to commencement of development a Construction Management Plan should be submitted and approved which provides details access, of parking and loading/unloading locations, storage areas, and details of wheel wash facilities.
- Informative: the applicant will be required to enter into a legal agreement to allow public access to the new multi-modal link.

10.96. The proposal is therefore considered to comply with Policy SD1 & CO2 of the CELPS, INF3 of the SADPD.

Trees

10.97. Policy SE5 advises that proposals should look to retain existing trees/hedgerows that provide a significant contribution to the area and where lost replacements shall be provided. Policy ENV 6 advises that development proposals should seek to retain and protect trees, woodlands and hedgerows.

10.98. Most of the tree cover which has been considered in relation to this development proposal are located off site. A linear group of closely spaced trees to the eastern boundary of the site on Cheshire East maintained land provides screening between public open space and the current industrial buildings. Trees along the southern boundary sited on a steeply sloping bank down to the Macclesfield Canal, also providing screening between the canal conservation corridor and the site.

10.99. None of the trees are afforded protection by a Tree Preservation Order although a level of statutory protection is afforded to trees along the southern boundary of the site within the Macclesfield Canal Conservation Area.

10.100. The application has been supported by an Arboricultural Statement CW/11462-AS dated 11th July 2024.

10.101. The survey indicates that just 1 group of moderate quality B Category trees would be removed to accommodate the proposal and the losses will not have an impact on the wider amenity of the area.

- 10.102. The Arboricultural Statement provides a tree protection plan and method statement which includes a working methodology for any approved construction period.
- 10.103. A new adoptable standard highway and footpath is shown to be constructed in existing unsurfaced ground to the north of, off site trees in moderate quality group G12. Ash is a frequently occurring species and affected with Ash Die Back. The proposed pruning works to maintain above ground clearance are accepted. The Councils forestry officer initially raised concerns regarding the impacts the proposed highway will have on the closest and better-quality trees to the southern boundary to the canal.
- 10.104. As a result an updated Arboricultural Statement has been provided which indicates the use of no dig surfacing by machinery for the footpath immediately to the south of the proposed access road (north of group G12). This will minimise the extent of downward excavation by approximately 1.5 metres from that formally offered and will slightly reduce the impacts of the proposed adopted highway on offsite trees in the Macclesfield Canal CA. As recommended in the arboricultural report; Off-site trees along the northern edge of group G12 should be monitored annually for the foreseeable future for signs of deteriorating condition and mechanical instability.
- 10.105. The Councils tree officer also raised concerns regarding the proximity of plots 9 and 10 in relation to the tree cover within groups G6 and G7, which would have resulted in shading of garden areas and likely future requests for pruning or complete removal. These plots initially had quite small garden areas which would have made this impact worse. These trees are of some value providing emerging screening and a buffer between open space to the west of the existing residential estate on Bridgewater Close and the proposed development. Revised plans have since been received which have increased the size of the garden areas of these plots. Whilst the rear elements of the garden area to these plots will still have some shading, the majority of garden area will not be in shade thus would likely put less pressure on future pruning works of these trees, therefore the Councils Forestry Officer is now satisfied with this relationship.
- 10.106. Therefore, it is not considered to be significantly harmful to the character/appearance of the area and the proposal complies with Policy SE5 of the CELPS and ENV 6 of the SADPD.

Design

- 10.107. Policy SE1 advises that development proposals should make a positive contribution to their surroundings in terms of the creating a sense of place, managing design quality, sustainable urban, architectural and landscape design, live and workability and designing in safety. The Cheshire East Design Guide Volumes 1 and 2 give more specific design guidance.
- 10.108. Policy GEN1 of the SADPD relates to Design principles. Criterion 1 requires that development proposals should create high quality, beautiful and sustainable buildings and places avoiding the imposition of standardised and/or generic designs. Whilst criterion 9 details that developments should be accessible and inclusive for all.
- 10.109. This site is located to the northern side of the Macclesfield Canal, a designated Conservation Area. The canal is set in a cutting circa 6 metres below the current level of the site. The site is presently accessed via Morley Drive, an informal road

that also crosses bridge 74, a listed canal bridge (grade II). To the north is the railway and associated land. To the east is an area of POS between the site and an existing residential housing estate off Worsley Drive. The western edge of the POS is bunded/landscaped, helping to buffer the existing housing from the site, which is presently occupied by single storey commercial buildings. The area generally is 2 storeys residential in scale, except the Mill next to the Railway pub off Park Lane.

- 10.110. Congleton rail station is located to the west of the site, within a very short walking distance from the centre of the site. The northern Canal towpath is also a definitive right of way (Congleton FP 58) providing links to the southern part of the town and the countryside beyond to east and west. The site is approximately a mile from the centre of Congleton (circa 15–20-minute walk time) and is also in close proximity to a number of local amenities. Bus stops close to the site link the neighbourhood with the town centre and Biddulph and Stoke on Trent (and Macclesfield and Crewe, via the town centre bus interchange).
- 10.111. The proposal is for an intensive scheme comprising a 70-bed care home, 53 retirement living apartments and 15 houses in four terraces, in the eastern part of the site. The proposal also includes vehicular accesses via Morley and Worsley Drives, parking areas, communal gardens, areas of public realm, and an area of POS. Morley Drive is proposed as a shared access for both vehicles and pedestrians (serving only the care home for vehicles). Pedestrian access is also proposed along the site frontage linking Worsley Drive to the rail station. The proposed nursing home and retirement apartments are large floorplate 3 storey buildings. The proposed houses are also 3 storeys in height.
- 10.112. The proposal has evolved during the application process with the refinement to layout and landscape design, including provision of more trees/soft landscaping, more creatively designed spaces, areas of positive public realm and boundary treatments/materiality that is contextually more relevant to the site and Congleton more widely
- 10.113. Refinements have also been made to the architectural design across the scheme to better sculpt and articulate elevations.
- 10.114. There has been a modest reduction in the scale of the frontage buildings onto the canal, however as noted by the Council Heritage Officer, concerns remain in this regard.
- 10.115. The omission of the SuDS pond from the POS with inclusion of rain gardens is welcomed. However, more surface-based SuDS components could be included if private parking and communal garden areas were also incorporated (noting that bioretention needs to connect into the surface water system if they are not free draining).
- 10.116. Inclusion of modest areas of green roofing on the care home and apartments cycle store is welcomed (but this could also be further extended to bin/cycle stores for the housing and the cycle store for the care home)
- 10.117. Inclusion of more external space and feature glazing to exploit the aspect and relationship to the Canal conservation area and associated landscape is also welcomed.

- 10.118. A more active corner to the care home has also been created, with more soft landscaping in proximity to the listed canal bridge
- 10.119. Some other refinements were suggested but haven't been incorporated, although individually and collectively these do not generally undermine the scheme. The Councils Urban Design Officer would however specifically encourage a low intensity living wall/climber to the projecting blank gable of plot 9 (there is a small area of softscape to accommodate a rooting area for a supported ivy, or other climber).
- 10.120. The amendments submitted since initial comments of the Councils Urban Design Officer in October have improved the quality of the scheme in terms of architecture, public realm and landscape design. This has also improved the overall sustainability of the scheme, not least in the inclusion of a more positive SuDS train incorporating more imaginative, surface based SuDS that will add to the scheme's distinctiveness.
- 10.121. Although some of the design suggestions haven't been incorporated and perhaps the scheme could have gone a little further in certain respects, overall, it has now reached a level of quality where the Urban Design Officer supports the scheme.
- 10.122. However, he advises that it will be necessary to manage the quality of the materiality and detail of the scheme for buildings and hardscape (including boundaries. Something to note is the stone boundary walls do not appear to be natural stone. To this end he would suggest that artificial stone be avoided in favour of natural stone).
- 10.123. Also, it would be positive if public art opportunity within the scheme could be secured, perhaps in the square at the intersection of the multi modal link and Morley Drive.
- 10.124. As such, subject to conditions, the proposal is considered to comply with Policies SD1, SD2 and SE1 of the CELPS, GEN1 of the SADPD & the Cheshire East Urban Design Guide.

Heritage

- 10.125. The Planning (Listed Buildings and Conservation Areas) Act 1990 states at Section 16(2) that 'in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
- 10.126. CELPS policy SE7 states that all new development should seek to avoid harm to heritage assets. It states that where development would cause harm to, or loss of, a designated heritage asset and its significance, including its setting, clear and convincing justification will be required as to why that harm is considered acceptable. Where that case cannot be demonstrated, it states that proposals will not be supported. It also requires a consideration of the level of harm in relation to the public benefits that may be gained by the proposal.
- 10.127. SADPD Policy HER3 states that development within or affecting the setting of a conservation area must pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Proposals should take account

of the established townscape and landscape character of the area and its wider setting.

- 10.128. SAPDP HER4 states that where a proposal would lead to less than substantial harm to the significance of a listed building, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable alternative use. The council will normally support proposals for the change of use or conversion of a listed building where the use secured is consistent with the preservation of its heritage significance.
- 10.129. The scheme is to replace a single storey large sprawling factory with a 3 storey 70 bed care home, 3 storey retirement living complex and 14 houses. The site sits adjacent to the Macclesfield Canal which is a conservation area and is partially accessed by a grade II listed canal bridge within the Congleton conurbation.
- 10.130. The Council Heritage officer has been consulted who considers that the proposal will have a neutral impact on the setting of the conservation area at a lower level as it is set back, and the canal runs at a lower level than the site.
- 10.131. However, she considers that there will be some impact in terms of the conservation area in relation to the canal bridge as the proposal will alter the views from the bridge. This also relates to listed status of the bridge. Currently the single storey factory is set back and at 1 storey has a neutral impact on views from the bridge.
- 10.132. At pre-application stage the Councils Heritage Officer asked for the proposed new structures to be moved away from the listed bridge and reduced in height. Whilst the retirement complex has been moved away from the bridge the care home has not. This in her opinion will have a negative impact on the setting of the bridge as the 3-storey structure will dominate views to and from the bridge and will not preserve or enhance the setting of the grade II listed structure nor the character and appearance of the conservation area. She considers that this will result in less than substantial harm to the heritage asset at the lower end of the spectrum.
- 10.133. Para 215 of the NPPF advises where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.134. In this instance it is considered that a number of public benefits exists in the form of new open market housing, removal of existing non confirming use with its associated noise/disturbance and replaced with a less intensive residential use and provision of care home and retirement living accommodation to assist in delivery of unmet need.
- 10.135. In this instance, the existing factory clearly has some impact on the setting of the bridge. Whilst the replacement buildings will be higher than the existing factory, they would be sited on either side of the bridge thus opening up views in the centre of the site (see plans below). The proposal by removing the existing factory use would further benefit the heritage asset by removing the activity and vehicle movements associated with the factory both visually and physically.

Existing site plan



Proposed site plan



10.136. Taking the above into account, it is considered that the public benefits outweigh the less than substantial harm (lower end of the spectrum) caused to the bridge. As such the proposal complies with Policies SE7, HER3, HER4 and the NPPF.

Archaeology

10.137. Cheshire Archaeology have been consulted and have raised no objection advising having reviewed the supporting documentation along with the information held on the Cheshire Historic Environment Records, it is unlikely that the proposed development will impact significant below ground remains, therefore, there are no further archaeological requirements for this proposed development.

Ecology

Biodiversity Net Gain (BNG)

10.138. Following the initial concerns of the Councils Ecologist, an amended biodiversity metric has been submitted. The updated metric addresses issues previously raised, and it is advised that the proposed works are in line with the biodiversity gain hierarchy and mitigation hierarchy.

10.139. The proposed habitat creation is considered 'significant', and therefore a 30 year Habitat Management and Monitoring Plan (HMMP) should be secured through planning condition along with the standard BNG informative.

Breeding Birds

10.140. The existing buildings and boundary vegetation including mature trees and dense shrubs have the potential to support nesting birds, which are protected under the Wildlife and Countryside Act 1981. Therefore a nesting bird compliance condition is recommended by the Council Ecologist with any planning approval.

Bats

10.141. No roosting bats have been recorded on site; however, the adjacent railway and canal provide ideal foraging habitats for bats. The Councils Ecologist recommends that sensitive lighting scheme is secured by condition to safeguard nocturnal wildlife.

Local Wildlife Site – Bromley Farm Community Woodland

10.142. It is advised that the proposed works are unlikely to have a direct impact on the Local Wildlife Site that is within 100m of the proposed works as the railway will provide a suitable buffer between the LWS and the works.

Ecological Enhancements

10.143. The site falls within Cheshire East Councils ecological network core and restoration areas, which forms part of the SADPD. Therefore, ecological enhancements condition is recommended by the Councils Ecologist, in line with ENV 1 and the NPPF.

10.144. The above suggested conditions are considered reasonable and necessary and as such can be added to any decision notice.

10.145. Therefore, the proposal complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD.

Flood Risk

10.146. The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps and the site area is not over 1 hectare so does not require a Flood Risk Assessment.

10.147. United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to conditions requiring the development to be carried out in accordance with the submitted Foul & Surface Water Drainage Design Drawing.

10.148. The Councils Flood Risk Team have also been consulted who raise no objection based on the revised the SuDS layout, therefore they accept this design in principle, but ask that detailed design is provided by condition.

10.149. Therefore, it would appear that any flood risk/drainage issues, could be suitably addressed by planning conditions and as such the proposal complies with Policy SE13 of the CELPS & ENV 16 of the SADPD.

Land Levels

10.150. Given the nature of the site to existing properties and the variation in levels a condition will be attached to ensure that details of the proposed levels are provided.

Public Right of Way (PROW)

10.151. On consultation of the Definitive Map, the legal record of Public Rights of Way, the proposed development appears to be adjacent to Public Footpath Congleton No. 58.

10.152. The Councils PROW Officer however advises it appears unlikely, however, that the proposal would affect the Public Right of Way, although the PROW team would expect the planning department to add the informatives stated below to any planning consent to ensure that developers are aware of their obligations to not affect the existing PROW.

Viability

- 10.153. A viability report was provided with the application suggesting that the scheme was unable to deliver any of the policy required contributions (Public Open Space, Canal and Rivers Trust and the NHS).
- 10.154. This was independently reviewed by Keppie Massey who questioned by the Care Home was not included in the calculations. As a result, an updated report was provided which included the Care Home and was further reviewed by Keppie Massey who concluded that the scheme was in fact able to provide the required contributions whilst remaining financially viable.
- 10.155. As such the applicant has since confirmed that they are able to pay the required contributions.

Economic Benefits

- 10.156. With regard to the economic role of sustainable development, the proposed development will help to provide new housing with indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Impact upon Railway Infrastructure

- 10.157. The Railway is sited to the north of the site, as such Network Rail have been consulted. They initially raised a holding objection to the presence of the SUDS adjacent to the boundary with the railway. This has since been removed. However, they also note that there is a rail maintenance access point for rail plant right opposite the residential development site.
- 10.158. Network Rail would need to get a view whether this is likely to cause problems as there could be complaints regarding rail maintenance activities. Rail maintenance can occur 24/7/365, at weekends, nighttime, evenings, bank holidays and the developer must not increase Network Rails liability including impacting the access. Also the developer does not appear to have taken into account the impacts of noise/vibration from the pre-existing rail maintenance facility.
- 10.159. Therefore, whilst they have no objection in principle with the proposal, the above has been flagged up as an area of concern. This is currently with the applicant and further comments on this will be provided in the update report.

Impact on the Canal

- 10.160. The Shropshire Union canal is located to the south of the site. The Canal and Rivers Trust (CRT) have therefore been consulted who initially raised concerns regarding structural stability of the canal cutting as a result of the development and concerns regarding impact to the Listed Bridge from vehicles accessing the site.
- 10.161. As a result further information has been provided by the applicant showing one possibly way in which the canal cutting could be secure. This involves the use of light weight trench boxes that can be lifted into position using chains off a mechanical arm to support the cutting once a trench is excavated, the trench excavation to be carried out in sections and hand excavation within 2m from the top of the embankment for the road construction.

- 10.162. Whilst the CRT advise that they would prefer to see this information upfront, they consider it is feasible that a solution can be offered that would safeguard the canal infrastructure and as such have suggested this could be dealt with by pre-commencement condition requiring a risk assessment and method statement be provided outlining all works and construction methods carried out adjacent to the canal and canal cutting.
- 10.163. They also suggest condition to prevent contaminated water entering the canal and for the drainage condition to also detail maintenance and management to protect the stability of the canal cutting.
- 10.164. The CRT also suggest construction management conditions to prevent heavy goods vehicles from using bridge 74 during both construction and operation itself. The plans provided show that the care home would be accessed off bridge 74 but with service vehicle taking access from Morley Drive, with the retirement living apartments and 14 dwellings being accessed/serviced from Worsley Drive.
- 10.165. At present the existing factory site is serviced/accessed via Morley Drive where the size and number of vehicles using it are unrestricted and an existing scenario. Clearly the proposal by removing the existing factory use and creation of a new access/service point off Worsley Drive represents a significant improvement over the existing scenario and would see less vehicles using the bridge than existing. As such whilst it is considered reasonable to prevent access from construction vehicles using the bridge by condition, this would not be possible for the actual use/servicing of the care home as this would be difficult to enforce. Nevertheless, as noted above the proposal would see a reduction in type and volume of vehicles using this bridge which represents an improvement over the existing scenario.
- 10.166. Finally, the CNT also request a financial contribution of £20,000 towards towpath patch repairs in between bridge 74 and 76 adjacent to the site to offset the impacts on the development in line with Policy INF1. This appears relegated to the development and can be secured by way of Section 106 Agreement.

Other

- 10.167. The majority of comments received though representations have been dealt with above in the report. However, some remain unaddressed so are dealt with below:

11. CIL COMPLIANCE

- 11.1. 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
 - c) Fair and reasonably related in scale and kind to the development.
- 11.2. It is considered that the contributions required as part of the application are justified and meet the Council's requirement for policy compliance. As set out above, all elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.
- 11.3. On this basis the scheme is compliant with the CIL Regulations 2010

12. PLANNING BALANCE/CONCLUSION

12.1. Dis-benefits

- The proposal would result in the loss of the existing employment use, however this is considered to carry limited weight as the existing factory is considered to be non-conforming given its siting in a residential area, some new employment will be provided in the care home and the retirement apartments and the existing business is to be accommodated into another site in Wigan so employment would not be lost.
- The proposal would result in less than substantial harm, at the lower end of the spectrum, to the setting of the Grade II Listed Bridge.

Benefits

- The proposal would result in the creation of 14 net additional dwelling which would go some way to help the Council achieve its 5 year housing land supply target.
- The proposal would also go some way to help the Council meet an identified need for care home and retirement living.
- The proposed development will have indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain. It will also have social benefits from the care home and retirement apartments.
- The site lies within the settlement boundary for Congleton and the principle of residential development on the site is acceptable. The developments complies with Policies PG2 of the CELPS and PG9 of the SADPD.
- The proposal would result in the re-use of previously developed land in a locationally sustainable location and complies with Policies SD1 and SD2 of the CELPS.

Neutral

- The site layout is acceptable and would not harm residential amenity and complies with Policy HOU12 of the CELPS.
- The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with C01, C04 of the CELPS, INF3 SADPD.
- The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS, ENV6 of the SADPD.
- An acceptable design solution has been provided and this would comply with Policy SE1, SD1 and SD2 of the CELPS, GEN1 of the SADPD, the CEC Design Guide and the NPPF.
- Therefore, the proposal would not result in any significant ecological impacts and complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD.
- The proposal would not result in any significant flood risk/drainage issues and complies with Policy SE13 of the CELPS & ENV 16 of the SADPD.
- The proposal would not result in any severe highway impacts and complies with Policy SD1 & CO2 of the CELPS, INF3 of the SADPD.

Conclusion

- 12.2. In conclusion the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies within the NPPF. Therefore the benefits are considered to outweigh the disbenefits and there are no material considerations in this case that indicate that planning permission should be refused.

The application is recommended for approval.

13. RECOMMENDATION

S106	Amount	Triggers
NHS	<p>£60,568 towards improved health infrastructure facilities within the Congleton Locality and Primary Care Network that supports patient care provision within the area:</p> <ul style="list-style-type: none">• Lawton House Surgery• Meadowside Medical Centre• Readesmoor Medical Centre• Holmes Chapel Health Centre	<p>To be paid prior to the occupation of the 7th dwelling</p>
POS	<p>Offsite contributions for POS are £2,346.81 per bed space in apartment.</p> <p>Offsite contributions for GI Connectivity are £293.35 per bed space in apartments to a</p>	<p>To be paid prior to the occupation of the 7th dwelling</p>

	<p>maximum of £586.70 per apartment.</p> <p>Outdoor sport contribution is £1,564.54 per family dwelling or £782.27 per bed space in apartments (to a maximum of £1,564.54 per apartment).</p>	
Canal and Rivers Trust	£20,000 towards towpath repairs in between Bridge 74 and Bridge 76, adjacent to the site	To be paid prior to the occupation of the 7th dwelling
Education	£53,434.00 towards Secondary education	To be paid prior to the occupation of the 7th dwelling

and the following conditions:

- 1) 3 year time limit
- 2) Development in accordance with the approved plans
- 3) Details of proposed materials
- 4) Implementation of visibility improvement works
- 5) Construction Management Plan
- 6) Risk assessment and method statement outlining all works and construction methods carried out adjacent to the canal and canal cutting
- 7) Details of the maintenance and management of site drainage to protect the stability of the canal cutting
- 8) Compliance with drainage strategy
- 9) No infiltration of surface water drainage into the ground
- 10) Low emission boilers
- 11) Compliance with the noise report
- 12) Contaminated land – risk assessment
- 13) Contaminated land – verification report
- 14) Contaminated land – no exportation of soils
- 15) Contaminated land – unexpected contamination
- 16) Contaminated land – risk assessment
- 17) Piling methods
- 18) Age restriction of occupants of the retirement living apartments
- 19) Compliance with landscaping plan
- 20) Compliance with boundary treatment plan
- 21) Details of proposed and existing levels

- 22) 30 year Habitat Management and Monitoring Plan
- 23) Breeding birds
- 24) Ecological enhancements
- 25) At least 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings
- 26) At least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.
- 27) Age restriction not less than 60
- 28) No dig construction method
- 29) Compliance with the tree protection and special construction measures identified in the Arboricultural Statement ((CW/11462-AS-1) dated 19/3/2025 and Tree Protection Plan (CW/11462-P-TP-1) dated 19/3/2025

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.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

S106	Amount	Triggers
NHS	<p>£60,568 towards improved health infrastructure facilities within the Congleton Locality and Primary Care Network that supports patient care provision within the area:</p> <ul style="list-style-type: none"> • Lawton House Surgery • Meadowside Medical Centre • Readesmoor Medical Centre • Holmes Chapel Health Centre 	To be paid prior to the occupation of the 7th dwelling

POS	<p>Offsite contributions for POS are £2,346.81 per bed space in apartment.</p> <p>Offsite contributions for GI Connectivity are £293.35 per bed space in apartments to a maximum of £586.70 per apartment.</p> <p>Outdoor sport contribution is £1,564.54 per family dwelling or £782.27 per bed space in apartments (to a maximum of £1,564.54 per apartment).</p>	To be paid prior to the occupation of the 7th dwelling
Canal and Rivers Trust	£20,000 towards towpath repairs in between Bridge 74 and Bridge 76, adjacent to the site	To be paid prior to the occupation of the 7th dwelling
Education	£53,434.00 towards Secondary education	To be paid prior to the occupation of the 7th dwelling

