

Application No: 15/3070C

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

Proposal: Application for reserved matters approval (access, layout, scale, appearance and landscaping) for the erection of 75No. dwellings and creation of public open space on application 14/2049C

Applicant: Miller Homes

Expiry Date: 05-Oct-2015

#### **SUMMARY:**

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore represents a sustainable form of development providing sufficient quality of design, landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, traffic generation or highway safety.

#### **RECOMMENDATION:**

**Approve subject to conditions**

#### **REASON FOR REPORT**

The proposal is a major development requiring a Committee decision.

#### **PROPOSAL**

This proposal seeks reserved matters approval for the access, appearance, landscaping, layout and scale of the residential part of the development.

The application follows the outline planning permission (14/2049C), which granted consent for the demolition of the existing industrial building and redevelopment to provide residential development (up to 75 dwellings), new access, open space and reconfigured car park. All matters were reserved for subsequent approval.

## **SITE DESCRIPTION**

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

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

## **RELEVANT HISTORY**

14/2049C - Demolition of existing industrial building and redevelopment to provide residential development (up to 75 dwellings), new access, open space and reconfigured car park – Approved 02.07.2015

## **NATIONAL & LOCAL POLICY**

### **Congleton Borough Local Plan First Review 2005**

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

GR21 (Flood Prevention)  
GR 22 (Open Space Provision)  
NR1 (Trees and Woodland)  
NR2 (Statutory Sites)  
NR3 (Habitats)  
NR4 (Non-statutory sites)  
NR5 (Creation of habitats)  
H1 (Provision of new housing development)  
H6 (Residential development in the open countryside)  
H13 (Affordable Housing and Low Cost Housing)

### **Other Material Considerations**

National Planning Policy Framework (The Framework)

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National Planning Policy Framework (The Framework)

Interim Planning Statement: Affordable Housing

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

### Cheshire East Local Plan Strategy – Submission Version

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG3 Existing and allocated employment sites

EG5 Promoting a town centre first approach to retail and commerce

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

CO4 Travel plans and transport assessments

DP1 Employment Sites

## **CONSULTATIONS**

**Highways** – No objections subject to condition relating to visibility

**Environmental Health** – No objections subject to conditions relating to noise mitigation, pile driving, and Environmental Management Plan (EMP covered by outline permission)

**Strategic Housing Manager** – No objections

**Public Rights of Way** - The development does not appear to affect a public right of way

**Ansa** – No objections subject to appropriate provision of open space

**United Utilities** – No objections subject to drainage condition (covered by outline permission)

**Natural England** – No objections

**Congleton Town Council** – No objection, but make the following comments:

- Contributions towards the delivery of the Congleton Link Road.
- Contributions towards complimentary highway measures on the existing highway network.
- Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre.
- The provision of a network of open spaces for nature conservation and recreation.
- The timely provision of physical and social infrastructure to support development at this location.
- The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.
- To enable construction of the proposed new footpath along the full length of the road, as proposed by the developer will require the purchase of additional land. Cheshire East to ensure that appropriate conditions are in place to ensure safety of pedestrians until such time as the aforementioned land has been purchased and the footpath built at the developers cost.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjoining occupants, a site notice erected and a press advert was placed in the Congleton Chronicle. The last date for comments is 1 October 2015.

At the time of writing one letter of representations had been received objecting to the proposal on the following grounds:

- Misrepresentation of site as it is located on Eaton Bank, not Varey Road.
- Access proposals lack detail
- Ecological impact
- Where is open space?

## **APPRAISAL**

## **Principle of Development**

The principal of residential development has already been accepted following the approval of the outline application (14/2049C). Further to the comments from the Town Council, all necessary planning obligations were secured at the outline stage, and cannot now be revisited.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design / Character**

The local area is characterised by a variety of house types – bungalows, terraced, semi-detached and detached – of varied styles and materials, and therefore, the area does not provide a strong design lead for new development. The proposal seeks to construct two-storey detached, semi-detached and terraced dwellings predominantly in brick, but with some render. The appearance of the properties is fairly standard and is perfectly acceptable in the context of the local area.

The proposal also provides a mix of house types and sizes to help support the creation of mixed balanced and inclusive communities. The development includes 1, 2, 3, 4 and 5 bedroom properties.

In terms of the layout, this is functional, and given the overall scale of the proposal it has inherent legibility. Corner plots avoid blank gables creating some visual interest to each public facing elevation, and the larger stretches of frontage parking will be broken up with landscaping to reduce the dominance of parked cars.

### **Trees / landscape**

There are a number of trees on the site which are mainly limited to the boundaries along the riverbank, which form part of the SBI and will be retained, none of which are formally protected. The Forestry Officer noted at the outline stage that the inclusion of the majority of the existing tree cover within a green landscape infrastructure is a very suitable way of integrating the development into the landscape. The proposed reserved matters do not raise any significant arboricultural implications, subject to the proposal being carried out in accordance with the submitted tree protection plan. Reference is also made on the Tree Protection drawing to pre-development tree work and pruning, the details of which, can also be secured by condition.

The existing hedgerow will be retained to the front of the site along Eaton Bank to retain the hedge lined character of the road, in accordance with condition 8 of the outline permission. A landscape buffer will also be provided on the higher land to the west of the site on the boundary to the Havannah Wood Local Wildlife Area, including a “Macaferri” wall which will be planted and will help to provide a less abrupt boundary to the wildlife site.

There will be some changes to the land levels to accommodate the Macaferri wall, and the buffer to the western boundary, however, in general the proposal works with the existing levels that do fall by over 10 metres from the western boundary to the eastern boundary across the site. It is considered that these alterations will be seen within the context of the wider development and will be accommodated without any significant landscape impact.

## **Ecology**

A number of conditions attached to the outline permission related to ecological matters to be considered as part of the reserved matters:

#### Condition 11 – Hedgehogs

This condition required the reserved matters application to include proposals for the incorporation of gaps in garden and boundary fences to facilitate the movement of hedgehogs. Details of gaps in fences have been provided, which make appropriate provision for hedgehogs and satisfy the requirements of the condition.

#### Condition 25 – Local Wildlife Site

This condition seeks to avoid any properties backing onto the adjacent Local Wildlife sites to avoid any potential impacts on the habitats for which the Local wildlife sites were designated.

The layout has been appropriately designed in respect of the River Dane Local Wildlife Site located to the east of the proposed housing. In terms of the relationship with the Havannah Wood Local Wildlife site to the west, this shows the formation of a buffer zone (in excess of 3 metres) between the new dwellings and the wildlife site. The buffer zone includes a Macaferri wall of up to 3 metres in height to facilitate the change in levels. Consequently, the dwellings do not back directly onto the local wildlife site, and their rear gardens are considerably lower than the level of the wildlife site. It is therefore considered that this relationship means the dwellings do not back onto the wildlife site, and the nature conservation office advises that the potential adverse impacts associated with the occupational phase of the development on the local wildlife site will not be significant.

#### Condition 13 - Features for nesting birds and roosting bats

This condition requires the future reserved matters application to include features for nesting birds and roosting bats. This information has been submitted and is considered to be acceptable.

### **Residential Amenity**

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

The nearest neighbouring residential properties to the application site are over 50 metres away and as such all meet the distances above. Within the site, there are some separation distances that fall marginally below the identified standards. However, any shortfall is minimal and is not considered to have such a significantly adverse impact upon the living conditions of future occupiers to justify a refusal of planning permission.

### **Noise**

The site is located opposite the Eaton Bank Industrial Estate and as such there has been concern at the outline application stage and during the reserved matters regarding noise from the industrial estate adversely affecting the living conditions of future occupants.

The potential effect on an existing business of a new residential development being located close to it should be carefully considered as the existing noise levels from the business may be regarded as unacceptable by the new residents and subject to enforcement action. In the

case of an established business, the policy set out in the third bullet point of paragraph 123 of the Framework should be followed:

- Existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

It should also be noted that the Council's Environmental Health department has previously received two tonal industrial / commercial noise complaints from residents located a greater distance from the proposed application site to the industrial estate.

The submitted noise assessment that accompanies the reserved matters states that no industrial noise was audible during these noise assessment periods. As a result, it was not possible for the acoustic consultant to complete a BS4142 assessment, and instead focussed on road traffic noise.

The consultant's suggestion that there was no audible industrial noise is in contradiction to the subjective noise impact assessments carried out by officers from Environmental Health, and those surveys submitted by the applicant as part of the outline application.

Environmental Health do not accept that road traffic will be a significant factor with regards to the noise climate. It is considered that the 24 hour industrial uses immediately opposite the proposed development are the dominant noise source in the area.

The following noise mitigation measures were agreed during the above outline planning application process:

- 12 dB reduction in noise levels is possible with an acoustic fence 2m in height.

With the installation of a 2m high acoustic fence the future residents of the proposed dwellings would lose the line of sight to the noise source located on Varey Road and would therefore, be provided with a level of noise attenuation that allows a high level of amenity to be achieved within the proposed external amenity areas.

This detail overcame Environmental Health's concerns regarding industrial noise impact affecting the proposed external amenity areas of the noise sensitive residential properties at this location, and they were satisfied that internal noise levels shall achieve BS8223 : 2014.

The latest acoustic report recommends mitigation for road traffic noise only, and includes:

#### Closed Windows

The report indicates that standard double glazing will be sufficient for habitable rooms for all dwellings across the development site.

#### Open Windows

The report states that internal target noise levels will be exceeded for all habitable rooms within identified plots if windows are opened. Alternative ventilation to opening windows for dwellings which have a line of sight to Eaton Bank is also outlined. Through-frame window mounted trickle ventilator is recommended to be incorporated into the glazing unit of identified habitable rooms with line of sight to Eaton Bank so that fresh air can enter the room without

having to open windows. In addition the trickle ventilator should be combined with a Mechanical Extract Ventilation (MEV) or Passive Ventilation system which extracts air from the habitable rooms.

A final recommendation of the acoustic consultant is that wherever possible habitable rooms should be located away from the noise source with less noise sensitive rooms facing the noise source

Noisy industrial uses are sited within industrial estates, because they rely heavily on separation distances to reduce noise impacts on noise sensitive development, thereby reducing the impact on residential amenity. The introduction of noise sensitive receptors at this location may negatively impact industrial/commercial noise sources especially those that operate during the night-time period. The National Planning Practice Guidance – Noise, Paragraph: 006 advises, the potential effect on an existing business of a new residential development being located close to it should be carefully considered as the existing noise levels from the business may be regarded as unacceptable by the new residents and subject to enforcement action.

Environmental Health will accept the noise mitigation scheme as outlined in the addendum noise impact assessment report by REC, dated July 2015 Ref: 91012r0, submitted as part of the application. However, in addition to this they also recommend the provision of a 2 metre high acoustic fence along the boundary of the residential gardens adjacent to Varey Road.

The reasons for the mitigation being:

- offering better noise protection to future noise sensitive residential receptors: outdoor private amenity areas and ground floor habitable rooms.
- Continuance of existing business operations without unreasonable restrictions resulting from the introduction of noise sensitive receptors at this location.

Appropriate conditions are therefore recommended to cover these matters, and to ensure the future occupants of the proposed dwellings are not adversely affected by industrial noise.

## **Highways**

The Head of Strategic Infrastructure has commented on the application and has noted that the layout is a typical standard road layout that does accord with the technical standards for adoption. The level of car parking provided for each of the units meets the CEC standards and is acceptable. The layout is functional and it is considered that it does not warrant an objection and as such no highway issues are raised.

A condition is recommended to ensure appropriate visibility splays are provided at the access.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

There is a net requirement for 58 affordable homes per annum within the Congleton sub-area identified in the SHMA update 2013. The s106 agreement on the outline permission requires an Affordable Housing Scheme to be submitted, which details the location and mix of the affordable housing. The applicant has submitted a statement, which details how the affordable housing will be delivered.



The proposed residential mix is 2x 1bed, 8x 2bed and 5x 3bed for rent and 5x2bed and 3x 3bed for intermediate. The SHMA identified an oversupply of 2 bed however there is need shown from Cheshire Homechoice for 2 bed accommodation as well as a high need for 1 bed units from both the SHMA and Cheshire Homechoice. The applicants have amended their initial proposal to include some 1 bed units in order to meet some of this need.

The location of the affordable housing is considered to constitute sufficient pepper-potting through the site. The Strategic Housing Manager raises no objections to the proposed affordable provision.

### **Open Space**

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

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

### Amenity Greenspace (AGS)

Having regard to the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, the proposed new dwellings will not require any further AGS.

75 new dwellings would normally generate the need for 2,500sqm of AGS. The developer has stated that 29,000sqm of open space is being provided, given the presence of the local wildlife site within the application site. The nature conservation officer is satisfied that public access to the River Dane Local Wildlife Site will not be detrimental to its ecological value, subject to appropriate management of the land.

### Children and Young Persons Provision

Having calculated the existing amount of accessible Children and Young Persons Provision within 800m of the site and the existing number of houses which use it, the proposed development will generate a need for an additional children's play facility.

The Congleton Borough Council Interim Policy Note 2008 / SPG on open space requires the provision of a NEAP facility (8 items of play equipment) on developments of 75 family dwellings or more, and the provision of a LEAP (5 items of play equipment) of developments of less than 75 dwellings. Whilst the proposal relates to 75 dwellings in total, only 73 can be classified as family dwellings (2 or more beds).

Ansa have confirmed that there is a significant deficiency in the area; therefore a LEAP (Locally Equipped Area for Play) style play area would be required.

The LEAP facility must contain at least 5 items of equipment and should incorporate DDA inclusive equipment and safer surfacing. The final layout and choice of play equipment should be first agreed with the Council, and the construction should be to EN standards. Full plans showing the design must be submitted prior to the play area being installed and these must be approved, in writing prior to the commencement of any works. This can be dealt with by condition.

All open space facilities will be managed and maintained by a management company.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **PLANNING BALANCE**

The principle of the development has already been approved.

The proposed scheme provides an acceptable design and layout, the dwellings are appropriate to the character of the area, appropriate landscaping and sufficient open space is provided.

The scheme therefore, represents a sustainable form of development providing sufficient quality of design, landscaping and open space. Matters of drainage and flooding have been considered to be acceptable, subject to the conditions, on the associated outline planning application.

It is also considered that the development would not have a detrimental impact upon neighbouring amenity, ecology, trees, traffic generation or highway safety.

The application is therefore recommended for approval, subject to conditions.

## **RECOMMENDATION**

### **Approve subject to conditions**

**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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S111 of the Local Government Act 1972.**

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A02RM - To comply with outline permission
2. A05RM - Time limit following approval of reserved matters
3. A01AP - Development in accord with approved plans
4. A02EX - Submission of samples of building materials
5. A25GR - Obscure glazing requirement
6. A23GR - Details of any required pile driving to be submitted
7. A04TR - Tree pruning / felling specification
8. Noise mitigation scheme to be implemented
9. 2m high acoustic fence shall be provided to the boundary of the residential gardens adjacent to Varey Road
10. Development shall be carried out in complete accordance with the submitted Tree Protection Plan
11. Visibility splays of 2.4m x 59m in both directions no obstructions above 0.6m in height
12. Detailed proposals for design and planting of Macaferri wall to be submitted.
13. Details of layout and equipment for the LEAP, and management details for all open space areas to be submitted



