

Application No: 15/4089C

Location: FORMER SUTHERLAND WORKS, BROMLEY ROAD, CONGLETON, CHESHIRE

Proposal: Residential development (Use Class C3) comprising 84 no. new affordable dwellings comprising 33 no. three bed houses, 27 no. two bed houses, 12 no. one bed apartments and 12 no. two bed apartments with associated infrastructure including a new estate access off Bromley Road

Applicant: Mr Andrew Garnett

Expiry Date: 09-Dec-2015

SUMMARY:

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development .

Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of accommodating 100% affordable housing and site acquisition and remediation costs, it has been demonstrated that the site cannot bear the cost of any additional financial contributions / obligations if there is to be a realistic prospect of site being brought forward for affordable housing.

Following negotiations, a number of design improvements have been secured which would result in a design and layout that would be acceptable within its context and would not detract from the character or appearance of the area. The proposal would provide much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants subject to mitigation proposed measures. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including trees, landscaping, ecology, drainage and flood risk and contaminated land. Subject to conditions, the proposal is also acceptable in terms of traffic generation, highways safety and parking provision.

On balance, the application is found to be sustainable in the social, economic and environmental sense and is therefore recommended for approval subject to the imposition of appropriate conditions.

RECOMMENDATION:

APPROVE subject to conditions

REASON FOR DEFERRAL:

At the Southern Planning Committee meeting of 2nd March 2016, Members resolved to defer this application to consider further information on housing needs for affordable rent and social rent in this area (need for older persons, people with disabilities, single people and family sized units); further information from the Education Department about where the children from the development will be educated and how the financial mitigation shortfall will be mitigated; further information regarding internal room size standards. This is an updated report which deals with these considerations.

It has been referred to Strategic Planning Board as the date of the next Southern Planning Committee Meeting is the day before the funding for the scheme from the Holmes and Communities Agency (HCA) expires. The application needs to be determined before then to allow the appropriate funds to be drawn down.

PROPOSAL:

Full planning permission is sought for residential development (Use Class C3) comprising 84 no. new affordable dwellings comprising 33 no. three bed houses, 27 no. two bed houses, 12 no. one bed apartments and 12 no. two bed apartments with associated infrastructure including a new estate access off Bromley Road, Congleton.

SITE DESCRIPTION:

The site is located to the east of Congleton Town Centre and is accessed off both Bromley Road and Brunswick Street, which form two boundaries to the site. The north of the site is bounded by the 'Biddulph Valley Way' and beyond this lies an area of employment land. To the west there is a footpath linking Bromley Road to the walk to the north. Although access can be taken from the two roads to the south and east, there is a line of residential properties between the majority of the site and the road which have their rear gardens backing onto the boundary of the application site. Whilst the main area of the site itself is relatively flat, the surrounding land and the entrance to the eastern side of the site is at a different level with the land falling away to the north down a steep wooded embankment before meeting the footpath which forms the northern most boundary. The land to the east is at a higher level and the access road into the site from this point, descends down from Bromley Road into the centre of the site. The site was formerly occupied by a factory building providing approximately 7230sq.m floorspace used for the production of cardboard cartons. However, the site has since been cleared and despite various marketing exercises, the site has now been vacant for almost eight years.

The site falls within the settlement zone line of Congleton as designated in the adopted Congleton Borough Local Plan First Review.

RELEVANT HISTORY:

09/3651C - Outline Planning Permission for the Development of the Site for Residential Purpose, Comprising 63 Dwellings – Approved 16-Jan-2015

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 14, 17, 34, 47, 49, 55 and 173.

Development Plan:

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within the settlement boundary of Congleton under Policy PS4.

The relevant Saved Policies are: -

PS4	Towns
GR1	New Development
GR2	Design
GR3	Residential Developments of More than 10 Dwellings
GR4	Landscaping
GR6&7	Amenity & Health
GR9	Accessibility, servicing and parking provision
GR10	Managing Travel Needs
GR14	Cycling Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
GR22	Open Space Provision
H2	Provision of New Housing Development
H4	Residential Development in Towns
H13	Affordable and Low Cost Housing
NR2	Wildlife & Nature Conservation
NR3	Habitats
NR4	Non-Statutory Sites
SPG1	Provision of Public Open Space in New Residential Developments
SPG2	Provision of Private Open Space in New Residential Developments

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

Policy SD 1 Sustainable Development in Cheshire East

Policy SD 2 Sustainable Development Principles

Policy SE 1 Design

Policy SE 9 Energy Efficient Development

Policy IN 1 Infrastructure

Policy IN 2 Developer Contributions

Policy PG 1 Overall Development Strategy

Policy PG 2 Settlement Hierarchy

Policy SC 4 Residential Mix

Supplementary Planning Documents:

Interim Planning Statement: Affordable Housing (Feb 2011)

CONSULTATIONS:

Environmental Health:

No objection subject to the additional Phase II contaminated land investigation works being undertaken concurrently with the site enabling/clearance works as the removal of these obstructions will mean a more thorough investigation can take place. The proposed noise mitigation is acceptable however, some industrial noise will be audible from some properties. Further conditions relating to construction hours, dust control, noise mitigation, travel planning and lighting recommended.

Highways:

No objection subject to conditions.

Green Spaces (Ansa: Environmental Operations):

Amenity Greenspace (AGS)

Having calculated the existing amount of accessible AGS within 800m of the site and the existing number of houses which use it, 84 new homes will not require any further AGS. Whilst there is obviously a need to provide green spaces within the boundary of the new site, there is not a requirement for additional provision in line with the Interim Policy Note for the provision of new open space.

The proposed sketched layout illustrates some linear open space forming a buffer on the boundary of the site. This land contains some boundary trees and would be classed as a semi natural typology. This type of open space is not a requirement by policy. It is recommended that these areas are transferred to a management company for future management and maintenance.

Children and Young Persons Provision

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted planning permission in accordance with the submitted details there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study/Council's adopted local standards.

Whilst there is no requirement for new open space, qualitative deficits have been identified at existing facilities within the vicinity of the new development. Opportunities have been identified for enhancements to be made to the Children and Young Persons play facilities at Bromley Farm Community Park and Congleton Park. The financial contributions sought from the developer are;

£16,207.89 for enhancements

£52,834.50 for maintenance of the enhancements for a 25 year period

Education:

No objection subject to financial contributions. The proposed development will generate:

13 primary children (72 x 0.19 – 1 SEN (Special Educational Needs))

11 secondary children (72 x 0.15)

1 SEN child (72 x 0.51 x 0.03%)

To date, the development is forecast to increase existing and forthcoming pressures to both primary and secondary provision in the immediate locality, and SEN provision. Existing capacity can accommodate 1 primary child, therefore creating a partial primary education claim.

To alleviate forecast pressures, the following contributions would be required:

12 x £11,919 x 0.91 = £130,155.48 (Primary)

11 x £17,959 x 0.91 = £179,769.59 (Secondary)

1 x £50,000 x 0.91 = £45,500 (SEN)

Total education contribution: £355,425.07

Without a secured contribution of £355,425.07, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. The objection would be withdrawn if the financial mitigation measure is agreed.

United Utilities:

No objection provided that the proposed development is drained on a separate system with only foul drainage connected to the main sewer and subject to submission of a surface water drainage scheme.

Public Rights of Way Unit (PROW):

No objection - The proposed site is adjacent to the Biddulph Valley Way, a linear country park and part of the National Cycle Network. The proposed development site could offer scope, through the dedication of land, to improve access to the Bridleway and Biddulph Valley Way, as sought by the local community. Such improved access would be beneficial for potential new residents and the surrounding community, in gaining active travel route options to schools and local facilities and to the countryside surrounding Congleton.

VIEWS OF THE CONGLETON TOWN COUNCIL

No objection subject to the applicants of the new properties to be subject to the criteria set out by Homechoice.

REPRESENTATIONS:

Representations have been made by 4 neighbours and Bromley Farm Community Development Trust expressing the following comments:

- Vehicles will block access to neighbouring properties
- Antisocial behaviour caused by pedestrian access
- One of the trees to be retained should be removed
- Site is prime for affordable housing
- Site has been an eyesore for years
- Is good to see development of a brownfield site rather than a greenfield site
- Houses should be offered via Cheshire Homechoice criteria and process
- Design is sterile
- Trees should be retained and supplemented
- The developer should contribute towards upgrading the Biddulph Valley Way, Bromley Farm Community Centre and Park
- Noise of adjacent commercial premises affecting new residents
- Previous site clearance has resulted in change in levels and waste that needs to be removed including asbestos

APPRAISAL:

PRINCIPLE OF DEVELOPMENT

The principle of residential development on the site has been accepted previously by the grant of an outline application for 'residential development' (planning ref; 09/3651C).

Notwithstanding the previous resolution, as a site within the settlement zone line for Congleton, the principle of residential development on the site is acceptable under local plan policy PS4 subject to other material considerations. Such material considerations relate to the loss of an employment site, whether the development represents a sustainable form of development, highways and the impact on the character and appearance of the area and residential amenity.

Location

The proposals seek to utilise previously developed land, inside the settlement zone and in good proximity to Congleton Town Centre which offers a good range of shops and services and transport links. On this basis, the application performs well in terms of locational sustainability and adheres with para 14 of the National Planning Policy Framework (NPPF), which states that at the heart of the framework there is 'a presumption in favour of sustainable development'. It goes on to state that proposals that accord with relevant policy should be approved without delay 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Housing Land Supply

The NPPF reiterates the requirement to maintain a 5 year rolling supply of housing in order to significantly boost the supply of housing. This proposal would help to deliver an additional 84 no. dwellings within the plan period in a sustainable location within the settlement boundary of one of the Key Service Centres for the Borough. Further, the proposal would utilise 'previously developed land' which is supported by one of the core principles of the NPPF, which states that Local Planning Authorities 'encourage the effective use of land by reusing land that has been previously developed'.

Employment Land

Whilst the proposal would result in the development of land that was previously in employment use, it has already been demonstrated and accepted that this vacant site is no longer suitable for employment uses and in its present form represents the inefficient use of land. There has not been a material change in the circumstances that would result in different conclusions being drawn on this issue. As such, the scheme is found to comply with Local Plan Policy E10.

This advice is largely supported by the relevant Local Plan Policies contained within the Congleton Borough Local Plan as well as the emerging Cheshire East Local Plan Strategy Submission Version. Thus, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable but must also be weighed in the planning balance taking account of the sustainability objectives as detailed below.

Sustainability

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

SOCIAL SUSTAINABILITY

Affordable Housing

The Interim Planning Statement: Affordable Housing (IPS) states that in areas with a population of more than 3,000 the Council will negotiate for the provision of an appropriate element of the

total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or than 0.4 hectare in size.

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

This is a proposed development of 84 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 26 dwellings to be provided as affordable dwellings. The SHMA 2013 shows the majority of the demand in Congleton is for 1 bedroom dwellings. The majority of the demand on Cheshire Homechoice is for 1 and 2 bedroom dwellings therefore 1 and 2 bedroom dwellings on this site would be acceptable.

The significant benefit of this scheme is that all 84 no. units will be affordable. As such, the 30% usually expected is far exceeded. There is a commitment from the Riverside Group, who is a registered provider to take the scheme forward and manage the affordable units. The tenure split will provide 40 affordable rented units and 44 for shared ownership. The mix of properties provided is also acceptable and generally reflects the housing need in the area. However, Members of the Southern Planning Committee sought further details of the housing needs for affordable rent and social rent in this area (need for older persons, people with disabilities, single people and family sized units)

In response to this, the Council's Strategic Housing Manager has confirmed that the SHMA shows that there is a need in Congleton for older persons accommodation (figures from the SHMA for Congleton below). Information from the Cheshire Homechoice is also included as although this does not include older persons accommodation, it does support the applicants submitted mix. Approval of this mix was given by Strategic Housing in August 2015, prior to submission of the application.

SHMA – 27 x 1 bed, 10 x 3 bed, 46 x 4 bed, 37 x 1 bed older persons
Cheshire Homechoice – 189 x 1 bed, 128 x 2 bed, 67 x 3 bed, 8 x 4 bed

The need for older persons accommodation has been discussed in more detail with the registered provider ('Riverside') and they confirmed that they cannot re-address the mix on the scheme as there is a risk that the development will lose funding if approval is not given before the end of the current financial year. With the upcoming changes to HCA funding meaning that there is no longer available funding for affordable rent, this would mean that the 40 rented units may be lost.

However, Riverside are proposing that the ground floor flats within the proposed apartment blocks are allocated to older people. In total there are 8 ground floor flats on this site, 4 of which are 1 bedroom. Riverside have confirmed with their neighbourhoods team that this would be a feasible option for them and they have also confirmed that the spec of the units can be adapted to older people during the build e.g. with the inclusion of walk in showers etc.

The Strategic Housing manager has checked recent planning approvals for Congleton to see if any of these are likely to satisfy the demand for older persons accommodation and note that Outline application 13/2746C for Black Firs Park, Congleton - which was approved in 2014 would provide 4 x 1 or 2 bedroom bungalows as part of the development of 180 dwellings. These bungalows are actually included in the property mix of the s106 and so should be delivered.

An additional point that that was noted at the Southern Planning Committee meeting was the appropriateness of securing the affordable housing by condition. Whilst affordable housing can be secured by condition, it is usually secured by way a s106 legal agreement. This is because some lenders do not accept the mechanism for securing the social housing provisions unless they are in the form of a legal agreement. The applicant and Riverside have confirmed that securing the affordable by condition will be acceptable to them and their lenders and this is a practice that is exercised by the Planning Inspectorate when they allow an appeal which includes affordable housing provision. As such, the use of condition in this case is acceptable as it will assist in securing the HCA funding.

The Strategic Housing Manager has stated that they support the application. Taking this into account, the scheme is found to be acceptable in this regard.

Viability and Deliverability

The applicants state that the site is subject to abnormal costs including the cost of providing 100% affordable housing and the site acquisition and remediation costs. On this basis, the applicant states that the development cannot bear the cost of any additional planning obligations / financial contributions which is evidenced by a financial viability appraisal. This has been independently assessed by an external viability consultant and confirmed as being accurate, robust and reasonable.

The guidance contained within 'Planning for Growth' and National Planning Policy Framework (para 173) makes it clear that Councils will be expected to consider the impact of planning obligations on the viability and deliverability of development and that such issues amount to important considerations. The NPPF states that:

"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

Whilst it is clearly unfortunate that the development cannot bear the cost of any obligations in accordance with the usual policy requirements, a higher level of affordable provision would be secured which is a significant social benefit. The assessment confirms that the site abnormal costs with an assumed Gross Development Value (GDV) of only 7% increase over and above the existing use value, means that the applicant cannot realistically provide any obligations or other financial commitments to reflect the minimum enhancement a landowner would reasonably expect to release the land for much needed affordable housing.

The Council's Financial Viability Consultant has confirmed that the figures contained within the Viability Appraisal are reasonable. The 7% figure for GDV is below the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency. Accordingly, there is clearly a need to forego any additional obligations / contributions in order to make the scheme viable including those requested by the Bromley Farm Community Centre.

Public Open Space Provision

The Greenspaces section (ANSA) has confirmed that owing to the amount of existing amenity greenspace / children's play space accessible to the proposed development (within 800 metres), there is sufficient open space to accommodate the development and no further provision is required as a result of this development.

Whilst there is no requirement for new open space, qualitative deficits have been identified at existing facilities within the vicinity of the new development. Opportunities have been identified for enhancements to be made to the Children and Young Persons play facilities at Bromley Farm Community Park and Congleton Park. However, owing to the economies of provision, such contributions could not be secured having regard to the viability of the scheme.

Education

With respect to the impact that the proposal would have on local education provision, the Council's Education Department has confirmed that the proposed development of 84 units is expected to generate 13 primary, 11 secondary children and 1 special educational needs child.

Owing to recent development in the area coupled with the size of the proposed development, there will be a deficit in local school places both at primary and secondary level. In order to offset this deficit, the development would normally provide financial contributions towards these local schools to facilitate additional school places. However, owing to the economies of provision, such contributions could not be secured having regard to the viability of the scheme. The Council's Education department has confirmed that they would withdraw an objection if a viability case has been proved, which it has in this case.

Members of the Southern Planning Committee wanted further clarification as to where the children generated by the development will be educated and how the financial mitigation shortfall will be mitigated. The Council's Education Department has confirmed that in the event that the development were to proceed without the requested financial contributions, then the burden of school provision may lie with the local authority depending on capacity at any given time. However, this must be weighed against the significant benefits of the scheme.

The children generated by the proposed development would be schooled within the 2 mile radius for capacity which are: Daven Primary School (catchment), Astbury St Marys CE Primary, Black Firs Primary School, Buglawton Primary School, Havannah Primary School, Marfields Primary, Mossley CofE Primary School, St Marys RC Primary and The Quinta Primary. The secondary schools within 3 miles considered were Congleton High School (catchment) and Eaton Bank Academy.

It is important to note that unless the financial contributions are foregone, this scheme is not viable and this brownfield site is likely to remain redundant and any benefits from developing it will not be realised. Further, there is already an extant permission on the site in outline form which granted approval for the erection of up to 63 residential units without the requirement for any education contributions. Subject to reserved matters, this scheme remains capable of being implemented. However, the outline scheme (owing to viability) only secures 13% affordable housing and therefore does not provide the same social benefits that this 100% affordable scheme does.

Social Sustainability Conclusion

It is considered that, although the proposal will not make an education or public open space contribution, it will make a very significant contribution to the provision of affordable housing, especially in an area where it is desperately needed. On balance, such contribution will provide significant community benefit and whilst it is unfortunate that the scheme is unable to provide contribute towards education and open space, it has been robustly tested through a viability appraisal which shows that further contributions cannot be afforded by the scheme. Although it is finely balanced, it is considered that this proposal will be socially sustainable by providing much needed affordable housing.

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 local area including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

ENVIRONMENTAL SUSTAINABILITY

Design Considerations

The importance of securing high quality design is specified within the Framework. Paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The surrounding area is predominantly a mix of two and three storey properties of varying age, size, height and architectural design. The surrounding land use is a mix of residential and commercial. The site is surrounded by residential properties on two sides with commercial properties to the other site boundary and the Biddulph Valley Way.

In this case the proposal has been amended during the application process and various improvements have been made to the layout to create a greater sense of place and a more

sustainable environment for the future residents of the site. The amendments include additional detailing on house types, staggering of the dwellings within the layout, the removal of some car parking from frontages, improvements in the road layout with a hierarchy of surfaces and road widths and also a mix in the palette of materials including reference to local stone.

The amendments to the layout have also enabled the scheme to link in with the Biddulph Valley Way by providing 2 points of pedestrian access. This is an important connection and this amendment is welcome. Following the amendments to the scheme it is now considered that an acceptable design/layout has been achieved. It is considered that the proposed development accords with policy GR1 and GR2 of the Local Plan.

Trees and Landscaping

Most of the site is hardstanding although there is some existing vegetation on the periphery, most of which is identified for retention. Levels vary across the site with an embankment to the east and sections of retaining wall to the south.

The proposals would provide site permeability with a footpath access from Brunswick Street to the south west in addition to the main pedestrian and vehicular access from Bromley Road and the pedestrian links with the Biddulph Valley Way. The amended layout would provide scope for soft landscaping and there are areas of open space that would help to soften the visual appearance of the scheme. The site is well contained and would not impact negatively on the wider landscape.

With respect to trees, following discussions, the scheme has been supported by an updated Arboricultural Impact Assessment and Method Statement (AMS). The submission confirms tree removal proposals. However, the Council's Tree Officer has confirmed that there are no significant concerns in this respect. Replacement planting could be secured in the landscape works. Details of tree protection measures are provided with an AMS and the proposals appear reasonable. An implementation condition would be appropriate.

Highways

In terms of access, it is proposed that all of the properties are accessed from the Bromley Road access to the east with the existing smaller access to Brunswick Street being retained for pedestrian purposes. The proposal would utilise the existing vehicular access directly off Bromley Road. This site was previously in industrial use. With regard to the principle of residential development on the site, The Head of Strategic Infrastructure (HSI - Highways) has raised no highway objections, as the traffic impact is low and it is preferable that the site be used for residential as opposed to it being used for industrial use.

Following initial comments regarding the visibility requirements and general geometry of the access and internal roads, the applicant submitted some amended plans. The HSI has confirmed that the proposed vehicle access is considered acceptable for the proposed level of development. However, he has noted that the applicant had previously proposed the realignment (and narrowing) of Vaudrey Crescent at its junction with Bromley Road.

The HSI considers that such improvements are necessary to facilitate a suitable scheme to allow an appropriate offset between the realigned junction and the proposed site access. The only debate was as to the material within the build-out, which the applicant suggested would be grassed and the highways maintenance team indicated ought to be hard standing. The grassed layout would provide a better placemaking scheme and the hard standing would reduce maintenance costs for the Council. The latest layout plans from the applicant remove the build-out entirely and that is not acceptable to the Head of Strategic Infrastructure. The HSI therefore proposes a condition that the infrastructure will be provided with the alignment as per the original submission (MCI Drawing Bromley Rd/Access) with the surfacing to be agreed with the Cheshire East Council. Subject to this, it is therefore considered that the proposal will not have a significantly detrimental impact on highway safety in the area.

In terms of parking provision, it is important to note that this scheme is for 100% affordable units where the likelihood of car ownership will be less than that of an open market housing scheme. Additionally, the site is located in a highly sustainable location where it is near to Congleton Town Centre and other public transport links serving the wider area. The parking provision is therefore considered to be in this case.

Whilst highways have recommended a condition upgrading a nearby bus stop to provide a shelter, this is not required or necessary to make the development acceptable in planning terms and further, it has been demonstrated that the development cannot bear the cost of such.

Ecology

The application is supported by an Extended Phase 1 Habitat assessment. The Council's Nature Conservation Officer (NCO) has confirmed that the application site is of limited nature conservation value and concurs with the conclusion of the applicant's ecological assessment. Accordingly, it is considered that the proposed development would not harm species protected under the Wildlife and Countryside Act 1981. Subject to the recommendations within the assessment being implemented, the requirements of local plan policy NR2, NPPF and the EC Habitats Directive are satisfied.

Residential Amenity

In respect of the residential amenities afforded to neighbouring properties, the proposals would achieve the minimum interface distances advised within SPG2. Thus, the proposed development does not create issues with overlooking, loss of privacy or loss of light to existing properties due to the juxtaposition of the proposed dwellings and the provision of adequate separation distances.

Turning to the residential amenity of the future residents of the development, the distance advised between principal windows is usually 21.8 metres. Certain plots would fall short of this; however, there would not be a significant failure to meet this guideline. Where there would be a significant failure, the applicant has indicated that certain windows would be obscurely glazed to prevent direct overlooking. Subject to this, the proposed would not materially harm the amenity afforded to these neighbouring dwellings.

Members of the Southern Planning Committee requested further information on the internal room standards of the proposed residential units. In March 2015, the Department for Communities and Local Government (DCLG) issued guidance on internal room standards under the 'Technical housing standards – nationally described space standard' document'. This advises on the size of internal spaces that should be aspired to in new dwellings including gross internal floor area, bedrooms and storage spaces.

The proposed dwelling units comprise a range of 2 and 3 bed houses. For two-storey 2 bedroom dwellings accommodating 3 persons, the advised gross internal floorspace is 70 square metres. For bedrooms, it is advised that double bedrooms have a floor area of 11.5 metres, with the main double achieving a width of 2.7 metres with the second twin or double bedroom measuring 2.5 metres wide. In this case, the smallest 2 bed houses would have a floorspace of 68 square metres. The main double would have a floor area of 11.5 metres with a width of 3.3 metres. The smaller double / twin bedroom would have a floor area of 10.4 square metres and would be 2.4 metres wide.

For two-storey 3 bedroom dwellings accommodating 4 persons, the advised gross internal floorspace is 84 square metres. In this case, the smallest 3 bed houses would have a floorspace of 82 square metres. The main double would have a floor area of 11.6 metres with a width of 2.5 metres. The smaller double / twin bedroom would have a floor area of 11 square metres and would be 2.5 metres wide. The single bedrooms would have a floor area of 5.5 metres with a width of 2 metres. The advice for single bedrooms is that they measure 7.5 metres floorspace and 2.1 metres wide.

Thus, the proposed internal sizes do largely meet the advised room standards and where they fail to meet them, the failure is only marginal. A refusal would not be sustainable on this basis. The dwellings would meet with the advised internal storage dimensions included within the nationally described space standard.

Each family dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed and having regard to the character of the area. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Noise

The development is in an area affected by industrial noise to the north, and road traffic noise to the south. As such, the application is supported by an acoustic report which was commissioned to examine whether the development could be adequately mitigated in terms of noise. The report outlines a specific set of mitigation measures. In particular a 1m high earth bund, and 2m acoustic fence to the north to provide a degree of protection to properties in close proximity to the industrial uses. In addition, specific ventilation systems to habitable rooms have been recommended to avoid the need for residents to open windows and compromise the acoustic integrity.

Whilst it is far from ideal to develop residential properties in such close proximity to commercial uses, it has been demonstrated that mitigation is available to ensure noise levels meet the relevant standards. However, the methodology used to determine this is not capable

of accounting for irregular noise (such as crashes and bangs etc) regularly associated with such industrial uses.

Industrial noise will in all likelihood be audible at the new properties, and in external amenity areas, and the Council needs to be aware of the fact that if complaints were received in the future about the industrial noise this may be an extra regulatory Burdon on the industry. However, it is important to note that such noise will be unlikely to occur at sensitive times and also the area already contains a number of residential properties which co-exist with the existing commercial operations within the area without complaint. Thus, having regard to the proposed mitigation and the benefits of providing a much needed affordable housing, the scheme is found to be acceptable in this regard.

Flood Risk

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. Flood Zone 1 defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site is more than 1 hectare, a Flood Risk Assessment (FRA) has been submitted in support of the application which concludes the risk from flooding is minimal. United Utilities have been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Contaminated Land

The Council's Environmental Protection Unit have been consulted with regard to contamination. The Contaminated Land team has raised no objections to the submitted Phase II ground investigation but recommend conditions to agree further mediation details. Subject to this, the scheme is acceptable in this regard.

PLANNING BALANCE & CONCLUSIONS

The proposed development seeks to utilise a previously developed site within the settlement zone line for Congleton and therefore benefits from a presumption in favour of development under local plan policy PS4 which is further supported by para 14 of the NPPF which aims to deliver sustainable development .

Whilst the proposals would result in the loss of an employment site, it has been previously accepted that the site is no longer suitable for economic use and owing to the cost of accommodating 100% affordable housing and site acquisition and remediation costs, it has been demonstrated that the site cannot bear the cost of any additional financial contributions / obligations if there is to be a realistic prospect of site being brought forward for affordable housing.

Following negotiations, a number of design improvements have been secured which would result in a design and layout that would be acceptable within its context and would not detract from the character or appearance of the area. The proposal would provide much needed affordable housing whilst making use of a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants subject to mitigation proposed measures. The applicants have demonstrated general compliance with national, regional and local guidance in a range of areas including trees, landscaping, ecology, drainage and flood risk and contaminated land. Subject to conditions, the proposal is also acceptable in terms of traffic generation, highways safety and parking provision.

On balance, the application is found to be sustainable in the social, economic and environmental sense and is therefore recommended for approval subject to the imposition of appropriate conditions.

RECOMMENDATION

APPROVE subject the following conditions:

1. Standard time limit 3 years
2. Development to be carried out in accordance with approved / amended plans
3. Hours of piling limited
4. Accordance with submitted noise mitigation scheme
5. Accordance with submitted Construction Method Statement and Dust Management Plan
6. Drainage – Foul and surface water drainage connected on separate systems
7. Accordance with submitted flood Risk Assessment and Drainage Strategy
8. Construction of approved access including submission of plans detailing realigned junction layout of Bromley Road/Vaudrey Crescent, a suitable footway/cycleway link to Brunswick Street
9. Ecological mitigation to be carried out in accordance with submitted statement
10. Phase II Contaminated land report to be updated to further inform the Remediation Strategy and shall be carried out and the results submitted to, and approved in writing by the LPA
11. Bird breeding survey
12. Incorporation of features for breeding birds
13. Materials to be submitted and approved
14. Accordance with landscaping scheme including management details and boundary treatments
15. Landscaping implementation
16. Accordance with updated Arboricultural Impact Assessment and Method Statement (AMS)
17. Parking to be provided as per approved plan prior to first occupation
18. Removal of permitted development rights Classes A-E
19. Obscurely glazed windows on selected plots
20. Affordable Housing including older persons accommodation

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In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning

Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement should they be required.

