

Application No: 16/3262C

Location: Land at Radnor Park Trading Estate, Back Lane, Congleton

Proposal: Residential development (Use Class C3) comprising 30 no. new affordable dwellings incorporating 12 no. three bed houses, and 16 no. two bed houses and 2 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane

Applicant: William Fulster, M.C.I.Developments Limited and Places fo

Expiry Date: 11-Oct-2016

### **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. This 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 demonstrated that the site is no longer suitable for economic use in its present form.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed affordable housing adjoining to an existing settlement where there is existing infrastructure and amenities.

With regards to the environmental role, the issues identified regarding noise impacts from adjoining industrial uses can be satisfactorily mitigated. The previous approval on the site supported this interpretation.

The proposal will not have a detrimental impact on the landscape character of the area and will continue an arm of existing residential development.

Whilst it is acknowledged that the lack of parking provision, education and POS contributions are negative impacts of the development, the boost to housing supply in the context of 100% affordable units is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. Furthermore the provision of units on the site is a very important benefit within the planning balance.

It is therefore considered that the development complies with the relevant local plan policy requirements and accordingly is recommended for approval subject to the imposition of appropriate conditions.

### **RECOMMENDATION:**

**APPROVE subject to conditions**

## **PROPOSAL**

Full planning permission is sought for the erection of 30 affordable dwellings incorporating 12 no. three bed houses, and 16 no. two bed houses and 2 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane.

The application is submitted by Places for People who are a Registered Social Housing Provider.

## **SITE DESCRIPTION**

The application site forms part of the Radnor Park Trading Estate positioned on the eastern side of Back Lane in Congleton. The site measures approximately 0.73 hectares in size, is irregular in shape and comprises of an area of concrete hard standing surrounded by a steel palisade fence. There are a number of trees around the periphery including a prominent line of Leylandii to the west /south planted on a bund, and several mature deciduous trees to the east. There is residential development to the south and west, separated by Back Lane and industrial land to the north and east. The site is within the Congleton Settlement Zone Line as designated in the Congleton Borough Local Plan First Review (2005) and is not allocated for any other purpose within the Local Plan.

## **RELEVANT HISTORY:**

14/3747C - Outline planning application for a residential scheme for up to 24 dwellings, open space and new access off Back Lane – approve with conditions and subject to 106 Agreement 14<sup>th</sup> September 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, 32, 34, 47, 49, 55, 132 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  
NR1 Trees & Woodland  
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**

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 3 Biodiversity and Geodiversity  
Policy SE 5 Trees, Hedgerows and Woodland  
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:** Object on the grounds of noise impact on future residents from existing adjoining industrial operations. If approved conditions relating to noise mitigation (acoustic fencing and glazing), Construction method statement and dust management plans implementation and contaminated land and contaminated soil.

**Strategic Highways:** There is one main access point proposed to serve the development, there are no capacity or design concerns regarding the access design. In regards to the traffic impact of the development, it is considered that this site would not have a traffic impact on the local highway network and the development of this site does not increase traffic levels beyond that previously generated by the former use.

The levels of parking provision on the site are below acceptable levels and the applicant should be asked to address this issue. Therefore, currently the application is not acceptable and I would have to object that sufficient parking is not provided.

**Strategic Housing:** No objections

**Green Spaces (Ansa: Environmental Operations):** No comments received at time of writing this report.

**Education:** Object, subject to secured developer contribution of £54,231.45 for children's services.

**United Utilities:** No objection, subject to conditions for foul water, surface water, and a management and maintenance of sustainable drainage systems

**Flood Risk Management Team:** No objections, subject to conditions

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

Object - Refer back to the original application and associated conditions.

## **REPRESENTATIONS:**

Representations have been received from 2 addresses, 2 objecting to the proposal. The grounds for objection area as follows:

- Highway Safety/impact on existing highway network
- Loss of employment land
- The future expansion of the adjoining businesses will be jeopardised
- Proximity of residential development to the adjoining commercial uses
- Potential future complaints from residence of new dwellings

## **OFFICER APPRAISAL**

### **Principle of Development**

This application is a full planning application and seeks approval for 30 affordable housing units. 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.

The proposals seek to utilise previously developed land, inside the settlement zone line and in good proximity to Congleton Town Centre which offers a good range of shops and services and transport links.

On that 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'*.

Further, 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 30 affordable dwellings in a sustainable location within the settlement boundary of one of the Key Service Centre's 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'*.

There is an extant outline planning permission for 24 dwellings on the site and therefore the principle of residential development has already been accepted on this site.

Therefore, subject to compliance with other material planning considerations, the principle of the development is considered to be acceptable.

## **Employment Land**

The general thrust of Local Plan Policy E10 and Policy EG 3 of the emerging Local Plan is to protect the boroughs employment sites and land supply. However, the policy allows for two exceptions where the site is either no longer suitable for employment uses or that its redevelopment would offer substantial planning benefit.

The previous application on the site for residential use (14/3747C) concluded that the lack of buildings on the site reduced its potential for employment uses, and was more akin to a storage/distribution site. The site was actively marketed over a period of 3 years in various employment uses but occupier for the site was found.

It was considered that the development of the application site for residential purposes would not intrude or eat into the valuable employment area attributed to Radnor Park Trading Estate. The fact that the application site has stood vacant for a number of years and there is limited appetite to design and build purpose built units on the site is indicative that this site is not viable for employment uses. The impact therefore on the employment floorspace in the area would not be negative in this case.

Given the above, it is considered that the loss of the employment site is justifiable and furthermore, as this application is for social housing the benefits arising from the delivery of housing within a sustainable location during a period when the Council is trying to boost its housing land supply. Consequently, it is considered that a reason for refusal on grounds of employment land supply is likely to be difficult to sustain at appeal particularly when balanced against the delivery of new housing on an accessible, previously developed site. The requirements of local plan policy E10 and EG3 have therefore been satisfied.

## **Affordable Housing**

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. This development proposes that 100% of the dwellings are to be affordable.

Normally the Council would expect a ratio of 65% / 35% of the affordable dwellings split between social rented and intermediate housing. This development proposes that 100% of the dwellings are to be sold as shared ownership, an intermediate housing product – with no rented dwellings being provided on site. The reason given for this approach is that the development will be funded by the Homes and Community Agency (HCA) and, following the announcement of the most recent funding programme, funding for new affordable/social rented dwellings is no longer available.

The applicant has submitted information to Strategic Housing which supports this approach and also evidences that there is a need for this type of accommodation in Congleton, therefore no objection is raised to the proposed tenure split.

The SHMA 2013 shows that there is a requirement for 119 new affordable dwellings per annum in Congleton. This can be broken down as follows; 27 x 1 bed, 10 x 3 bed, 46 x 4 bed and 37 x 1 bed older person dwellings. There was an evidenced oversupply of 2 bed accommodation.

There are 651 applicants on the Cheshire Homechoice housing waiting list who have selected Congleton as their first choice area for rehousing. These applicants require 297 x 1 bed, 227 x 2 bed, 111 x 3 bed and 16 x 4 bed dwellings.

This development proposes 2 x 1 bed, 16 x 2 bed and 12 x 3 bed dwellings, and the Strategic Housing Officer has confirmed they are happy that this mix broadly meets the local housing need.

It has been accepted by both the applicant and Strategic Housing Officer that the affordable housing provision can be conditioned.

## **Design Considerations**

Policy GR2 of the development plan states that planning permission will only be granted where the proposal is sympathetic to the character and form of the site and the surrounding area in terms of the height, scale, form and grouping of buildings, and the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

The site layout shows a main spinal road utilising the proposed access directly off Back Lane. The internal road would pass through the site and would have 3 private drives spanning off to account for the irregular shape of the site.

The proposed units would comprise of semi-detached dwellings, mews properties and a maisonette unit, and therefore there is good mix of house types within the site. The proposed units at the front of the site would achieve frontage onto Back Lane and would achieve opportunities for active frontage. The layout shows that views within the site would terminate on active frontages with suitable separation.

The proposed dwellings will be constructed in brick with a tiled roof, porch details and window lintels help to break up the elevations and create a dwellinghouse which is keeping with the surrounding streetscene.

Amendments to the proposal have included reducing the level of hardstanding in parking areas and the front of dwellings, and the current plans show a less car dominated development, than the originally submitted plans.

It is therefore considered that the proposed development is acceptable and in keeping with the surrounding streetscene.

## **Trees and Landscape**

The site forms part of an employment site and comprises an area of concrete hard standing surrounded by a steel palisade fence. There are a number of trees around the periphery including a prominent line of conifers to the west /south planted on a bund, and several mature deciduous trees to the east. There is residential development to the south and west, separated by Back Lane and industrial land to the north and east.

The proposed development would result in the loss of vegetation to the south west of the site. Whilst no detailed landscape proposals are provided, the layout shows indicative tree planting in this vicinity. Mature trees to the eastern boundary are shown retained. The Council's Landscape officer considers the loss of the south western vegetation is acceptable in the context of a residential development.

The amended plans allow for sufficient garden space to the rear of the plots 21-30 to ensure the existing trees are not oppressive on the future occupiers of the site or create a pressure for future felling of the trees.

As such, subject to conditions information for the submission of landscape scheme and implementation, submission of updated tree protection measures and AMS to reflect approved layout unless provided prior to determination, and existing/proposed levels there are no landscape or tree issues.

## **Highways**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include the adequate and safe provision for access and egress by vehicles, pedestrians and other road users to a public highway.

This is a full planning application for 30 residential dwellings with a mix of house types proposed. The site is located just south of the Radnor Industrial estate on land that was a former employment site.

### *Access Arrangements*

There is one main access to the site taken from Back Lane, this would have a carriageway width of 5.5m and 2.0m footway on the north side of the access road. The road design submitted meets technical standards to serve the level of development proposed and there are no design concerns raised on the proposal. The site access can achieve the necessary amount of visibility in both directions required for the 30mph speed limit.

There is an existing footway on the site frontage although it is not continuous to Greenfield Road to the south, there is a continuous footway provision on the western side of Back Lane that can be used to access the site.

### *Parking*

The proposed housing mix is 16 No. 2 bed houses, 12 no. 3 bed houses and 2 No. 1 bed maisonettes, there is a under provision in parking for the 2 bed units current CEC standards require 200% parking for two bed units. The Strategic Housing Officer considered that is important that sufficient parking is provided in this out of town location and further parking is necessary.

### *Traffic Impact*

Although a Transport Statement has been submitted with the application, the number of units proposed does not require a detailed traffic assessment to be undertaken. The traffic generation from 30 units is low at 16 two way trips, although there will not be a net traffic increase as the use of the site as a former Industrial use needs to be considered in the assessment.

### *Summary and Conclusion*

There is one main access point proposed to serve the development, there is no capacity or design concerns regarding the access design. With regards to the traffic impact of the development, it is considered that this site would not have a traffic impact on the local highway network and the development of this site does not increase traffic levels beyond that previously generated by the former use.

Although there is a lower provision of parking than usually considered appropriate for a development on this site the applicants are proposing over 150% parking for an affordable housing scheme where car ownership is likely to lower than a market housing development. Furthermore the site has good links to public transport and is within walking distance of several every day amenities.

### **Residential Amenity**

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Guidance Note 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states than 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

In respect of the residential amenities afforded to neighbouring properties, the closest of which is to the south (no. 58 Glyn House). The property on plot 30 will have a side elevation facing the side elevation of No.58 there will be a distance of at least 10m between the flank elevation of the proposed dwelling and the adjacent neighbours and it is considered that this is acceptable.



There is a 30m separation distance between the existing dwellings on Back Lane and the proposed dwellings and also there is an existing boundary treatment and substation which will help to mitigate for any overlooking.

With regards to the internal amenity issues for the future occupiers, Plots 9 & 10 and 19 & 20 have a separation distance of around 18m which is slightly below the standards. However, as this is within the site it is considered that the proposal is acceptable. All other separations distances within the site meet the separation requirements.

The SPG also suggests all new dwellings should have a private amenity space of 65m<sup>2</sup>. The amended plans show that 12 of the properties have garden spaces lower than the suggested size, however other than 2 dwellings all the private amenity spaces are over 50m<sup>2</sup> which is a generally accepted amenity space. Plots 5 and 8 have a private amenity space of 44m<sup>2</sup> and 40m<sup>2</sup> respectively, the plots do include some open amenity space to the frontages. It is therefore considered to be acceptable.

The trees on the eastern boundary of the site will have some impact on the useable amenity space to units 20- 30, however it is considered that the amended plans have improved this position and it is now not considered that the retained trees will have a significantly detrimental impact on the future occupiers amenity.

## Noise

The proposed development will be sited adjacent to commercial / industrial uses, consideration also needs to be given to the potential impact on the future amenity of the occupants from noise. The application is supported by a noise survey and mitigation scheme which has been assessed by the Council's Environmental Protection Unit.

Paragraph 123 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should aim to:

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

The NPPF states that the planning system should "*prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability*".

Another requirement of Paragraph 123 of the NPPF is that "*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*". Therefore, the proposed new residential development must not impact on the current and future operation of the nearby commercial premises.

The applicants noise report (submitted by Echo Acoustics) states that, Boalloy Limited, the closest part of which is approximately 25m from the northern boundary of the site, manufactures and repairs commercial vehicle body-work and heavy goods vehicle trailers which necessitates the use of a wide range of equipment including scissor lifts, pneumatic hand tools, angle grinders, hammers and spraying equipment. Copeland & Craddock is a specialist precision engineering company who

produce close-tolerance polished steel bars and tubes which necessitates the stockpiling of steel bars and sheets in external areas of the yards with loading, unloading and handling of the materials using fork lift trucks. Both Boalloy and Copeland & Craddock operate during the day time only.

The site was previously granted Outline planning permission (planning reference: 14/3747C), the application being accompanied by a noise assessment report prepared by Wardell Armstrong (WA) (reference: "*Land off Back Lane, Radnor Park, Congleton: Noise Assessment report*", dated July 2014). This report suggested a 3.5m noise mitigation fence which was conditioned.

The current mitigation report is submitted by Echo Acoustics who have considered the WA report, and re-examined the mitigation measures. The WA assessment of noise from Boalloy assumed that the noise generated from the facility emanated from the open roller-shutter doors. This is partially correct, for activities occurring within the building, but a site visit was undertaken by Echo Acoustics on 8 June 2016; it was noted that the roller shutter doors were generally only partly open and that many of the audibly noisier activities (audible at the site boundary) occurred at the entrance or immediately outside the building. From this it was concluded that a 3.5 metre-high barrier was probably not necessary.

Further detailed barrier calculations were conducted by Echo Acoustics and it was calculated that a 3.5 metre-high barrier provide only 1.3 dB more sound attenuation than a 2.5 metre-high barrier and that, even assuming a source height of 3.5 metre for the noise, at the façade of the nearest property (approximately 13 metres from the northern site boundary), a 2.5 metre-high barrier would obstruct direct line of sight for a person standing (receptor height 1.5 metres).

The WA report recorded noise levels at the site's northern boundary, without any mitigation in place, of 58.4 dB LAeq. The closest residential façade will be a further 13 metres away; adjusting the measured noise to allow for the additional noise level gives rise to a free-field noise level at the property façade, of 54.8 dB LAeq. An addition of 2.5 dB must be added to this to produce the façade noise level which takes account of noise reflected back off the building itself, giving a receptor noise level, with no mitigation, of 57.3 dB LAeq.

It was calculated that, for a noise source height of 3.5 metres, a 2.5 metre-high barrier would provide 5.5 dB of sound attenuation giving an external noise level of 51.8 dB LAeq. This is a suitable noise level for external areas during the day time.

The WA report identified a shot-blasting activity near the front of the Boalloy operation; this has now been relocated away from the proposed development site and was not present or audible on the site visit of 8 June 2016.

The WA report recommended that, due to the character of the noise from the commercial uses, up-rated glazing and ventilation should be provided to habitable rooms on facades directly facing the uses. This would seem a sensible precaution and Echo Acoustics would concur with this recommendation; Echo Acoustics suggest that glazing achieving sound insulation of at least 35 dB should be provided to living rooms and bedrooms in the northern facades of Units 1 to 3 and 12 to 18, as applicable. Dining rooms on these facades will be suitably protected with standard thermal double-glazing.

This should be accompanied by means of ventilation achieving a similar performance to negate the requirement for the opening of windows for background ventilation; this would apply to all habitable rooms on the northern facades of these Units, i.e. including dining areas.

Echo Acoustics conclude that, based on the assessment undertaken by Wardell Armstrong in 2014, the site can be suitably developed for residential use with the provision of the following sound attenuation measures:

- A solid, 2.5 metre-high close-boarded fence along the site's northern and eastern boundaries. This should be well constructed and properly fitted, with no loose panels or knot holes and with a minimum surface density of 12 kg/m<sup>2</sup>.
- Glazing achieving 35 dB of sound attenuation for living rooms and bedrooms in the northern facades of Units 1 to 3 and 12 to 18, as applicable.
- Alternative means of background ventilation, achieving a similar performance to that provided by the windows, for all habitable rooms on the northern facades of Units 1 to 3 and 12 to 18. i.e. including dining areas

The Environmental Protection department have raised concerns with the proposal, as they did for the former outline application (14/3747C) on the grounds of significant adverse impact due to noise from the adjacent industrial park. It is also noted that existing businesses have objected to this, and the previous application.

There has been no change to this application from a noise perspective to alter this services' view that the development cannot be made appropriate with respect to noise. The external amenity spaces will remain above acceptable noise limits and the future occupiers subject to unacceptable noise.

It is the Environmental Protection Officer's (EPO) view that residential development at this location will potentially create conflict with adjacent land uses by introducing noise sensitive properties adjacent to an industrial development, whereby the housing will suffer noise as a consequence. However, this would be mainly for outdoors areas (i.e. private garden spaces of some properties) as the internal environment could be adequately protected from noise through the provision of high spec glazing and mechanical ventilation.

Whilst the view of the EPO is noted, it should be noted that the concern relates to garden space, not internal noise which EPO advise can be mitigated. The Applicant's own noise consultant has provided reports that in their opinion demonstrate that the proposal's noise impacts accords with World Health Organisation Guidelines. The outdoors areas can be mitigated with appropriate boundary treatments, which in context of the adjoining uses would not appear unsightly and that are screened by the built form. Similar conclusions were drawn by an Inspector when he considered a scheme for residential development nearby at Forge Lane. He stated that:

*"I have concluded that living conditions at the proposed dwellings would be satisfactory, and this is relevant to the question of whether complaints are likely. Moreover, the nearest of the proposed dwellings would be located a similar distance from the key sources of industrial noise as existing dwellings and, while the Council has shown some record of complaints from existing dwellings, those attributable to noise are not excessive in number. Accordingly, I am not persuaded that the dwellings proposed would add significantly to local pressure to curtail or restrict the activities of the existing businesses, and I find no conflict with the Framework as a result of this consideration".*

Consequently, it is not considered that refusal could be sustained on noise grounds, this is due to the extant outline permission on the site for residential and the adjacent site 14/5111C.

## **Ecology**

The application is supported by an ecological assessment; the council's ecologist has considered the report and made the following comments.

#### Tree with bat roost potential

A tree has been identified on site that has the potential to support a bat roost. Based on the submitted plans this tree would be retained as part of the proposed development.

#### Great Crested Newts

The council's ecologist advises that this protected species is unlikely to be present or affected by the proposed development.

#### Nesting Birds

If planning consent is granted, conditions will be required to safeguard nesting birds.

### **Public Open Space Provision**

The site is for 30 dwellings, 28 of which are considered to family dwellings, with 2 and 3 bedroom properties. The development site does not propose any open space provision. At the time of writing this report the Greenspaces comments are still outstanding and will be reported to the Committee by update.

### **Education**

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. Not including the current planning application registered on Land at Radnor Park Trading Estate (16/3262C), there are 12 further registered and undetermined planning applications in Congleton generating an additional 240 primary children and 190 secondary children.

The development of 28 dwellings (2bed+) is expected to generate:

5 primary children (28 x 0.19)  
4 secondary children (28 x 0.15)  
0 SEN children (28 x 0.51 x 0.023%)

The development is expected to impact on primary school places in the immediate 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 schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary school places still remains.

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

5 x £11,919 x 0.91 = £54,231.45 (primary)

Total education contribution: £54,231.45

Without a secured contribution of £54,231.45, Children's Services raise an objection to this application.

### **S106 contributions and Viability**

As part of the proposals a confidential viability assessment was submitted. This concluded that due to the nature of the scheme, being a 100% affordable housing scheme, it could not bear the costs of any financial planning obligations and could therefore not be fully policy compliant.

This was independently tested through an external viability specialist. The report did conclude that the scheme would not be able to bear any financial cost of planning obligations. However, a key planning obligation is for affordable housing, whereby 30% is expected from all developments. Therefore for this scheme to be providing 100% it is fully compliant with regard to this requirement. Therefore it is for this assessment to consider whether on balance the benefits outweigh the disadvantages of partial policy compliant scheme.

### **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. This 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 demonstrated that the site is no longer suitable for economic use in its present form.

In terms of sustainability, this proposal would satisfy the economic and social roles by providing for much needed affordable housing adjoining to an existing settlement where there is existing infrastructure and amenities.

With regards to the environmental role, the issues identified regarding noise impacts from adjoining industrial uses can be satisfactorily mitigated. The previous approval on the site supported this interpretation.

The proposal will not have a detrimental impact on the landscape character of the area and will continue an arm of existing residential development.

Whilst it is acknowledged that the lack of parking provision, education and POS contributions are negative impacts of the development, the boost to housing supply in the context of 100% affordable units is considered to be an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release. Furthermore the provision of affordable housing units on the site is a very important benefit within the planning balance.

It is therefore considered that the development complies with the relevant local plan policy requirements and accordingly is recommended for approval subject to the imposition of appropriate conditions.

### **RECOMMENDATION**

**APPROVE with conditions:**

1. Standard Time limit – 3 years
2. Approved Plans
3. Affordable housing provision
4. Landscape Scheme
5. Landscape Implementation
6. Updated Tree Protection Measures
7. Updates AMS
8. Existing and Proposed levels
9. Nesting Birds
10. Nesting Bird boxes
11. Foul and surface water drained separately
12. Sustainable drainage management and maintenance
13. Surface water drainage system
14. Acoustic Mitigation Scheme implemented in accordance with Technical Memorandum (Echo Acoustics Dated 17 June 2016) and acoustic mitigation scheme shall be maintained in perpetuity
15. Construction Method Statement and Dust Management Plan
16. Contaminated land – phase II
17. Importation of soil
18. Unexpected Contamination
19. Removal of PD
20. Accordance with approved access and constructed prior to first occupation

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 (Regulation) delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

