

Application No: 17/0253C

Location: Land at Radnor Park Industrial Estate, BACK LANE, CONGLETON

Proposal: Residential development (Use Class C3) comprising 29 affordable dwellings incorporating 12 no. 3 bed houses, and 13 no. two bed houses and 4 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 f

Expiry Date: 18-Apr-2017

### **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.

Furthermore, the amenity and parking issues which were previously an issue on the site creating a cramped and overdeveloped development have now been satisfactorily addressed.

Whilst it is acknowledged that the lack of 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**

## **REASON FOR REFERRAL**

The application is a small scale major development for more than 20 dwellings.

## **PROPOSAL**

This application seeks Full planning permission for the erection of 29 affordable dwellings incorporating 12 no. 3 bed houses, and 13 no. two bed houses and 4 no. one bed maisonettes with associated infrastructure and incidental open space including a new estate road and vehicular and pedestrian access off Back Lane.

This application is a resubmission of the previously refused scheme for 30 dwellings which was refused by Southern Planning committee in December 2016.

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 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:**

16/3262C – 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 – Refused 22<sup>nd</sup> December 2016

*Reason for refusal - The proposed development represents an overdevelopment of the site due to the lack of car parking provision, insufficient internal separation distances and insufficient private amenity space. The proposed development is contrary to Policies GR1, GR2, GR6 and GR9 of the Borough of Congleton Local Plan and Policies SE1, SD1 and SD2 of the Cheshire East Local plan and the NPPF.*

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. Contrary to this Directorate's recommendation for Refusal on noise grounds; Outline Planning Approval 14/3747C was Granted on 14/09/2015: *Outline planning application for a residential scheme for up to 24 dwellings, open space and new access off Back Lane*. Consequently, the principle of residential development at this area of Back Lane, Congleton has been established. 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.

However as the outline application was approved, the LPA is advised that notwithstanding the above objection if they are mindful to approve the current application then the following conditions, should be attached relating to noise mitigation (acoustic fencing and glazing), Construction method statement and dust management plans implementation and contaminated land and contaminated soil, electric vehicles and travel pack.

**Strategic Highways:** No objections

**Strategic Housing:** No objections

**Green Spaces (Ansa: Environmental Operations):** Object, Open space is required on site however if the committee are minded to approve the current layout then enhancements will need to be made to existing open space at West Road which is within 500m of the application site. This will go towards mitigating the impact of the development in helping to cater for the extra demand placed on it by the new families.

Applying the standards and formulae in the 2008 Guidance the Council would need £9,164.12 to improve West Road open space. This would be spent on new play equipment and infrastructure. The Council would also need a commuted sum of £26,311.50 to maintain the upgraded facilities over 25 years.

**Education:** Object, subject to secured developer contribution of £130,449 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:** None received at time of writing this report.

**PROW** – No objections

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

Object – Overdevelopment of the site as this application is only one less dwelling than a previous application 16/3262C. The Section 106 Agreement of the previous applications should be reinstated.

## **REPRESENTATIONS:**

Representations have been received from 3 addresses 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
- Not acceptable unless for social housing
- Not needed for 5 year housing land supply
- New Industrial plots have recently been approved on Radnor Park therefore employment land required

## **OFFICER APPRAISAL**

### **Principle of Development**

This application is a full planning application and seeks approval for 29 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 no. 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. Strategic Housing supports this mix on the basis that 100% affordable housing will be provided.

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. Broken down this is 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 563 applicants on the Cheshire Homechoice housing waiting list who have selected Congleton as their first choice area for rehousing. These applicants require 239 x 1 bed, 200 x 2 bed, 109 x 3 bed and 14 x 4 bed dwellings.

This development has been altered with an increase in the 1 bed dwellings by 2 units and a reduction in the 2 bed dwellings by 2 units. The developer now proposes 4 x 1 bed, 13 x 2 bed and 12 x 3 bed dwellings. The Strategic Housing Officer is happy that this revised mix 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 a mix of detached, semi-detached, mews properties and maisonette units, 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 frontages. 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 tiles roof, porch details and window lintels which help to break up the elevations and create properties of a design which is in keeping with the surrounding streetscene.

The overall siting of the units and positioning of the car parking is much less over dominant than the previously refused development. 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 Cupressus 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 Councils 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, implementation of the AMS 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 resubmission of a previous application but with 29 dwellings now proposed, these are 12 No. 3 bed, 13 No. 2 bed and 4 No. 1 bed units.



The reason for refusal on the previous application was partly due to the lack of off-street parking for the number of units proposed. The amended scheme now provides 54 car parking spaces and conforms with CEC parking standards.

As there were no other highway issues raised this application is now acceptable and no objections are raised.

### **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 that 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 29 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 at the closest point a 27m separation distance between the existing dwellings on the opposite side of 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 8 & 9 and 20 & 21 have a separation distance of around 20.5m which is very 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 standards.

The SPG also suggests all new dwellings should have a private amenity space of 65m<sup>2</sup>. The amended plans show all the properties have a private amenity space of 65m<sup>2</sup> and therefore now comply with the guidance in the SPG. It is therefore considered to be acceptable.

### **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 Rw 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 Rw 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.

The Environmental Protection Department note that 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, 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 29 dwellings, 25 of which are considered to family dwellings, with 2 and 3 bedroom properties. The development site does not propose any open space provision. In accordance with the advice, standards and formulae contained in the CBC Interim Policy Note on "POS Provision for New Residential Development" 2008, I have assessed what POS would be needed to serve the proposals for up to 29 dwellings shown on the Proposed Site Layout

drawing no backLn/SK08 Rev H dated 10 February 2017 there would be a quantity deficiency of Amenity Green Space (AGS) and Children and Young Persons provision (CYPP).

The Policy Note provides for (1) amenity greenspace (AGS) and (2) children's play provision, other land typologies such as woodland, buffers, green corridors, wildlife/semi natural areas or incidental space/verges are not a standard requirement therefore these areas go beyond policy requirements and are not for Ansa to consider.

#### *Amenity Green Space (AGS)*

Taking into account the existing properties, 29 new homes will generate a need for 660 sqm of new AGS based on the housing schedule which should be centrally located within the site. Based on the proposed site layout there is no AGS provided.

#### *Children and Young People Provision*

As this development is under the 49 dwelling trigger for formal equipped play requirement on site is not required however a LAP with a minimum of 100 sqm located adjacent to the AGS and in accordance with FiT standards is required.

The previous application 16/3262C also required on site open space as there is already a deficit in the area and this development would add to that deficit.

Open space is preferred and required on site to directly serve the new residents however if the committee are minded to approve the current layout then enhancements will need to be made to existing open space at West Road which is within 500m of the application site. This will go towards mitigating the impact of the development in helping to cater for the extra demand placed on it by the new families.

Applying the standards and formulae in the 2008 Guidance the Council would need £9,164.12 to improve West Road open space. This would be spent on new play equipment and infrastructure. The Council would also need a commuted sum of £26,311.50 to maintain the upgraded facilities over 25 years.

## **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.

The development of 29 dwellings is expected to generate:

- 6 primary children (29 x 0.19)
- 4 secondary children (29 x 0.15)
- 0 SEN children (29 x 0.51 x 0.023%)

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

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

$6 \times £11,919 \times 0.91 = £65,078$  (primary)  
 $4 \times £17,959 \times 0.91 = £65,371$  (secondary)  
Total education contribution: £119,602

Without a secured contribution of £119,602, 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. Without the mitigation, 5 primary children and 4 secondary children would not have a school place in Congleton. The objection would be withdrawn if the financial mitigation measure is agreed.

### **S106 contributions and Viability**

Keppie Massie in conjunction with WYG (Surveys), were instructed to assess the applicants viability assessment. They assessed the likely costs and revenues associated with the proposed development. Based on the development proposals they consider that the revenues that are adopted within the Applicant's Assessment are reasonable for the purpose of assessing the financial viability of the proposed development.

They state that the proposed purchase price, the developers profit requirement (at 8.5% of construction costs exclusive of contingencies) and the proposed finance costs are reasonable for the purpose of assessing the financial viability of the proposed development.

Following consultation with the Applicant (and the receipt of further information from the Applicant that has included further explanation as to the Preliminary Costs, External Works and Abnormal Costs that will be incurred) WYG consider that the construction costs that have been adopted by the Applicant are reasonable.

Due to the sites position and previous use, there are a number of abnormal costs associated with the development site, these include, Acoustic Fencing and Wall, Tree Works, Removal of Hardstanding, Gas Protection measure, service diversions and foundations.

As detailed above the Applicant's Assessment has been formulated so as to identify a surplus output sum that is available towards the payment of planning policy obligations. The development costs including construction related costs, professional fees, finance costs, a developers profit requirement and acquisition costs are deducted from the GDV to provide the surplus sum.

In this instance the Applicant's Assessment provides a financial deficit. On this basis the proposed development cannot support the payment of any S106 monies.

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.

Furthermore, the amenity and parking issues which were previously an issue on the site creating a cramped and overdeveloped development have now been satisfactorily addressed.

Whilst it is acknowledged that the lack of 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. Hard and Soft Landscape Scheme**
- 5. Landscape Implementation**
- 6. Adherence with updated AMS Rev B**
- 7. Existing and Proposed levels**
- 8. Nesting Birds**
- 9. Nesting Bird boxes**
- 10. Foul and surface water drained separately**
- 11. Sustainable drainage management and maintenance**
- 12. Surface water drainage system**
- 13. Acoustic Mitigation Scheme implemented in accordance with Technical Memorandum (Echo Acoustics Dated 17 June 2016) and acoustic mitigation scheme shall be maintained in perpetuity**
- 14. Construction Method Statement and Dust Management Plan**
- 15. Piling Foundations**
- 16. Electric Vehicles**
- 17. Travel Information Pack**
- 18. Contaminated land – phase II**
- 19. Importation of soil**
- 20. Unexpected Contamination**
- 21. Removal of PD**

**In order to give proper effect to the Board`s/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 her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



