

Application No: 17/5898C

Location: Land at Forge Mill, FORGE LANE, CONGLETON, CHESHIRE

Proposal: Residential development of 45 dwellings

Applicant: Wainhomes (North West) Limited

Expiry Date: 30-Apr-2018

SUMMARY

On 27th July the Council adopted the Cheshire East Local Plan Strategy therefore the Council have demonstrated that they have a 5 year supply of deliverable housing sites.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The National Planning Policy Framework, which is the Secretary of State’s guidance, also advises Councils as to how planning decisions should be made. The ‘presumption in favour of sustainable development’ at paragraph 14 of the NPPF means “approving development proposals that accord with the development plan without delay”

Environmental Sustainability

The external appearance of the dwellings is considered to be acceptable and replicate the design and layout of the approved scheme. Highway impacts are mitigated via S106 payments for the creation of the Quiet Lane on Forge Lane, which need to be carried from the previous permission.

The development would not have any significant impact upon ecology, the trees and hedgerows on this site subject to the mitigation provided proposed via conditions and S106.

Economic Sustainability

The development of the site would provide a number of economic benefits in the residential use of the site from future residents living/ working and speeding in the local economy.

Social Sustainability

The benefits of the proposal would be the provision of the proposed link through the site and the land to the rear from the Link Road to the town centre and the positive management of the land to the rear of the building envelope by virtue of the Cheshire Wildlife Trust becoming involved in the future stewardship of the area. This has been incorporated as a result of the development of the Congleton Masterplan (associated with the link road) which identified this site as being a pedestrian link from the Link road to the town centre. This differs from the previously approved scheme, which pre-dates the evolution of the Masterplan associated with the Link Road and its associated housing and commercial developments

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of 30% affordable housing provision and would help in the Councils delivery of 5 year housing land supply. The impact upon infrastructure would be neutral as it is mitigated by S106 contributions to highways as previously imposed on the previous permission and has previously contributed 48 houses to housing land supply figures and therefore has already had education and health impacts counted.

Public Open Space and play area provision this is considered to be acceptable. There is a relatively minor impact upon the operations of the Jodrell Bank Telescope, given the site is in the general direction from the Telescope where development has occurred. This is a detrimental impact of the proposal. This needs to be assessed in the overall balance.

As such, on balance, it is considered that the development constitutes sustainable development

RECOMMENDATION

Approve subject to conditions and the completion of a S106 Agreement and subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant permission.

SITE DESCRIPTION AND CONTEXT

This application relates to a brownfield site of 7.44 hectares situated at the end of Forge Lane just outside of the settlement boundary of Congleton. The site is bounded by the River Dane to the east and Forge Wood to the west. Access to the site is by way of a single point off Forge Lane.

Forge Lane is approximately 400 metres in length, narrow and steeply sloping. The Lane connects to the A34 West Road to the south which is the main arterial road running east to west through Congleton. The site lies approximately 1 km to the west Congleton town centre. The River Dane runs adjacent to the site. Parts of the site are in different Flood Risk Areas. The original scheme contained all dwellings in Flood Zone 1, with some parts of the roads within Zones 2 and 3 (the areas of greatest risk).

The site itself comprises two distinct areas of land; at its southern end towards the site entrance there is the area of previously developed land comprising the site of the former Forge Mill complex, its hardstanding and parking areas. This is now the area where the housing development has commenced and stopped.

To the rear of the area of the approved built development, is a large area of ancient semi natural woodland (ASNW), unmanaged scrub and overgrown meadow that comprises in excess of 7 hectares. In terms of the original approval, this area of land was to be left as ecological mitigation land managed as part of the Residential Management Company for the whole site. At that time (2015) it was not intended to have public access. The proposals also include works to Forge Lane, including the creation of a quiet lane.

The Applicant commenced housing development early in 2017 (as approved under 16/0836c) which apart from the location of the pumping/electricity substation, is identical in layout and design terms to the

current proposal. Grampian conditions, particularly those concerning contaminated land and drainage, attached to the permission were not discharged.

On this basis, the whole development undertaken is unauthorised and subject to potential enforcement action. The Applicant voluntarily ceased works on site in late September 2017 and submitted this application which seeks to regularise that unauthorised development in terms of layout and design, with the addition of the foul pumping station/electricity substation and associated hardstanding to the rear of the housing area.

There have been significant changes in the area and the policy framework since the original approval for 48 dwellings on the site in January 2015, not least the evolution of the North Congleton Masterplan, associated with the approved Congleton Link Road and the various housing schemes (comprising a full allocation of circa 2000 houses and employment development) to the north of Congleton that have been granted permission, some of which are being currently built out; and the adoption of the Cheshire East Local Plan Strategy (CELPS). This site is identified within the Masterplan as being the most direct route for a pedestrian link from the north of Congleton to the town centre.

Given the significant benefits to sustainability for the town of Congleton of the potential link through the site, Officers have been in negotiations with the Applicant to achieve the link, with the extensive area of ecological land left to the rear of the building envelope to be offered to the Cheshire Wildlife Trust, rather than as previously approved, controlled by Private Residents Management Company within the original S106.

Cheshire Wildlife Trust are willing to become the owner of the land subject to financial mitigation (25 years maintenance fee which equates to a total commuted sum of £88,000) since the land in question could form part of a larger wildlife area focussed on the River Dane as part of the development of the Masterplan. This matter will be considered later in the report.

RELEVANT HISTORY

14/0659C - Outline planning application for the redevelopment of Forge Mill for residential development (C3) for 48 units including associated parking, landscaping, creation of a nature area, open space and off-site highway works to Forge Lane. Permission granted subject to conditions and UU 15/01/2015 (all reserved matters were approved except landscaping)

16/0836C - Variation or removal of condition 4 on application 14/0659C (APP/R0660/A/14/2226494) - Outline planning application for the redevelopment of Forge Mill for residential development (C3) for 48 units including associated parking, landscaping, creation of a nature area, open space and off-site highway works to Forge Lane - Approved subject to S106 5/8/2016

16/3859c - Approval of reserved matters on 16/0836C - Approved subject to landscaping conditions 3 October 2016

POLICIES

Cheshire East Local Plan Strategy

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development
SC4 – Residential Mix
SC5 – Affordable Homes
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE3 – Biodiversity and Geodiversity
SE5 – Trees, Hedgerows and Woodland
SE 1 - Design
SE 2 - Efficient Use of Land
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 3 - Biodiversity and Geodiversity
SE 13 - Flood Risk and Water Management
SE 6 – Green Infrastructure
EG 3 Employment Sites
SE10 - Jodrell Bank
IN1 – Infrastructure
IN2 – Developer Contributions

Saved Congleton Local Plan Policy

PS8 Open Countryside
NR4 Non-statutory sites
GR6-9 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
PS10 Jodrell Bank
NR3 habitats
NR 4 and 5 Habitats non statutory sites

Congleton Neighbourhood Plan

Has yet to reach Regulation 14 stage. No weight is attached

Other Considerations

Other Material considerations:

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation
Statutory Obligations and Their Impact within the Planning System

Supplementary Planning Documents:

Cheshire East Urban Design Guide (adopted July 2017)

Interim Statement on Affordable Housing

CONSULTATIONS (External to Planning)

CEC Head of Strategic Infrastructure: No objection

Environmental Health: No objection subject to conditions.

Environment Agency : no objection subject to conditions

Jodrell Bank : Objection - consider impact will be relatively minor

NHS England : The proposal will have implications for overprescribed health care provision in the area and requires a commuted sum of £49428 to be provided.

Education : Have not sought contribution in this case because the housing has previously been factored into their calculations since the original permission

Archaeology: No comment to make

VIEWS OF THE PARISH/TOWN COUNCIL

Congleton Town Council :Refuse due to impact on highways, location of pumping station in wildlife area, impact on trees

OTHER REPRESENTATIONS

None

OFFICER APPRAISAL

Principle of Development

The application site lies outside of the settlement boundary for Congleton and within the designated open countryside as defined by the Cheshire East Local Plan Strategy and the saved policies of the Congleton Borough Local Plan First Review.

The development site was a derelict brownfield site in open countryside before it was cleared to make way for a housing development comprising 45 dwellings. In terms of the approved scheme, Grampian conditions were not discharged and therefore the development which has occurred on site is unauthorised.

This submitted layout is almost identical to the previously approved scheme save an incursion into the open countryside close to the position of the LEAP by a foul water pumping station, a electricity substation and an access point for machinery to maintain the land to the rear).

Whilst each application needs to be considered on its own merits, and policy PS8 of the Local Plan Strategy seeks to restrict new development within the Open Countryside; the planning history of this site is an important material consideration to which significant weight is attached.

In this case, an Inspector has previously accepted the principle of the use of this site for 48 houses, in a virtually identical configuration as presently sought. This application therefore needs to consider the material changes of relevance to the planning policy framework and all other material considerations since the originally approved scheme (January 2015).

Housing Land Supply

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concludes:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The

Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications it is therefore the Council's position that there is a five year supply of deliverable housing land.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

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 by virtue of people living in the houses, and the economic benefits during the construction phase including jobs in construction and economic benefits to the construction industry supply chain.

A new link through the site has been negotiated as part of this application, whilst of significant environmental benefit (considered elsewhere), has direct benefits in economic sustainability terms by

allowing access to the town centre from the north of Congleton and the Link Road area, which was not envisaged when the Inspector previously allowed the appeal on this site.

SOCIAL SUSTAINABILITY

Housing Mix

Paragraph 50 of the Framework sets out that Council's should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. They should also identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Policy SC4 of the submission version of the Local Plan requires that developments provide an appropriate mix of housing (however this does not specify a mix). The mix of housing is identical to the previously approved layout. This provides for a range in housing sizes from 1 bed cottage flats to 4+ bed houses.

Affordable Housing

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of less than 3,000 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 10 dwellings or more or a combined housing floor space including garages larger than 1000sqm 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. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

The SHMA 2013 evidenced a requirement for 58 new affordable dwellings per annum. Broken down the SHMA identified a need for 27 x 1 bed, 10 x 3 bed, 46 x 4 bed and 37 x 1 bed older person dwellings – with an evidenced oversupply of both 2 bed general needs and older person dwellings.

The current number of those on the Cheshire Homechoice waiting list with Congleton as their first choice is 312. This can be broken down to 133x 1 bedroom, 112x 2 bedroom, 53x 3 bedroom and 14x 4 bedroom dwellings, therefore a mix of 1, 2,3 and 4 bedroom dwellings for General Needs and 1x bedroom dwellings for Older Persons on this site would be acceptable. The Older Person's accommodation can be via flats, cottage style flats and bungalows.

In this case 9 units should be provided as Affordable rent and 4 units as Intermediate tenure to comply with the policy of 65%:35% split of affordable rent and intermediate tenures.

Although a policy compliant 30% of the units are affordable, the tenure split of the scheme has been amended. In this case the tenure split would be 9 units as intermediate (65%) and 4 as affordable rent (35%). This is proposed to be altered as a result of negotiations which will provide for remuneration for the maintenance of the land to the rear of the built area of the site for Cheshire Wildlife Trust of £88,000 as a 25 year fee for the on going management of the land to the rear. This allows for on going stewardship of the extensive area of land to the rear of the site within which the link to Congleton Town Centre from the Link Road can be provided.

The Strategic Housing Manager has no objection to the changes in the tenure split, given the significant benefits that would be achieved by the management and maintenance of the ecology area by the Wildlife Trust, together with the potential future routing of the pedestrian link through the area.

Children and Young Persons Play Provision

A Local Area of Play (LEAP) is provided in accordance with policy. This will be maintained by Residents Management Company. Overall the Greenspace Officer is satisfied with the layout and location within the site. The Future maintenance of all POS and the LEAP within the built envelope part of the site would be on the basis of a private management regime, via S106, which would need to be approved by the Council. The sizeable part of open space to the rear of the site, in the original S106 approved by the Planning Inspector when this site originally gained permission, was included in the Residents Management Regime originally.

Supplementary Planning Guidance Note 1 'Provision of Public Open Space in New Residential Developments', requires the provision of public open space on site. To comply with policy 1180m² of usable open space is required. The scheme originally identified two areas of open space on the Site Layout Plan but one of these areas has been left unchanged as a woodland area at the request of the Council's ecologist. The remaining area of open space comprises circa 1300m².

These areas are unchanged by the proposal.

Education

It has to be borne in mind that 48 units within this development site have been previously granted permission and the educational impact has already been assessed and factored into housing land supply and education budgets. On this basis, the Education Manager confirms that she does not seek a contribution to education.

Health

Policy SC3 of the CELPs states that the Council will seek contributions towards new or enhanced health and social care facilities from developers if the proposals would generate possible health impacts.

The NHS Eastern Cheshire Clinical Commissioning Group have advised that the planned growth in housing numbers in the Plan period to 2030 will have an impact upon the 3 doctors surgery in Congleton. All 3 surgeries are operating beyond capacity and will require extensions to cater for the additional demand as the additional planned housing becomes occupied.

The NHS advised that a financial contribution based on the following calculation is appropriate

No of beds	Persons assumed	Health need per unit
1	1.4	£504
2	2	£720
3	2.8	£1008
4	3.5	£1260

The NHS Eastern Cheshire Clinical Commissioning Group have requested a contribution of £49650. It has to be borne in mind, however, that the 45 units comprising this development have been previously granted permission, as part of the larger development of 48 units, and the impact of 48 units has already been assessed and factored into housing land supply calculations and budgets. In the light of this, it is not considered that this scheme adds any further housing numbers known when the NHS Delivery Plan was formulated and now utilised for assessing impacts of additional development upon healthcare. On this basis, it is not considered that the request is reasonable and therefore not CIL compliant.

Noise

The site is located in a valley adjoining Radnor Park Business Park with Congleton Business Park also on the other side of the River Dane. Noise, and the effects on the living environment of future residents and the impacts that this would have upon the operations of the nearby business (Tandom Metallurgical) was the only issue at the previous appeal in 2015.

The Inspector did not impose any noise conditions when granting permission for the development of the site for 48 dwellings. He considered the noise reports submitted were acceptable and opined that conditions would be of no benefit to the garden environment of the dwellings, so he imposed no conditions. The report having set out the noise levels achieved inside the dwellings was also considered acceptable.

The planning policy framework in this regard and local environment remains unchanged. Accordingly very significant weight is attached to the previous Inspector deliberations on this issue and it would now be unreasonable to reach a different conclusion in this case.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is a change in the planning policy framework since the original approval of 48 units on this site.

Congleton has three Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

An Air Quality Assessment has been submitted. The assessment concludes that the impact of the future development on the chosen receptors in Congleton will be not significant with regards to NO₂ and PM₁₀ concentrations, with none of the receptors experiencing greater than a 1% increase relative to the AQAL.

That being said there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be significantly worse than predicted.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. This is a change in circumstance since the previous appeal decision.

Conditions for car changing and low energy boilers can reasonably be imposed in this case. However, the original approval required measures for energy reduction to be submitted and approved, which following Government intervention which directed that such matters be considered under the Building Regulations is no longer reasonable or necessary as a condition of any approval.

Jodrell Bank

Jodrell Bank advises that they oppose this development. Their view is that the impact from the additional potential contribution to the existing level of interference coming from the direction of this site will be relatively minor. This is a general direction in which there is already significant development close to the telescope.

Jodrell Bank now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment. This is the case here and this is notwithstanding the fact that Jodrell Bank did not object to the previous permitted scheme in 2015. This objection is a very important material consideration to which some limited weight can be attached within the planning balance.

Radio telescopes at Jodrell Bank carry out a wide range of astronomical observations as part of national and international research programmes, involving hundreds of researchers from the UK and around the world. The telescopes are equipped with state-of-the-art cryogenic low-noise receivers, designed to pick up extremely weak signals from space. The location of Jodrell Bank was chosen by Sir Bernard Lovell in 1945 as a radio-quiet rural area away from the interference on the main university campus in Manchester.

Saved Congleton Borough Local Plan policy PS10 states that development within the Jodrell Bank Radio Telescope consultation zone will not be permitted if it can be shown to impair the efficiency of the Jodrell Bank radio telescope in terms of its ability to receive radio emissions from space with a minimum of interference from electrical equipment.

Equipment commonly used at residential dwellings causes' radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank. This evaluation is based on the definition of the level of harmful interference to radio astronomy specified in ITU-R.769, the International Telecommunications Union 'Protection criteria used for radio astronomical measurements', which has been internationally adopted and is used by Ofcom and other bodies in the protection of parts of the spectrum for radio astronomy.

The social adverse impacts of the scheme would be the relatively minor impact the development would have upon the efficiency of the Jodrell Bank Radio Telescope, which is of international significance. It should be noted that, should members approve the application, the Council would have to notify Jodrell Bank of the intention to grant planning permission under the existing Jodrell Bank Direction for a period of 21 days prior to the issuing of a Decision Notice.

It should also be taken into account, that, whilst it cannot mitigate the impact or overcome the objection, the level of impact can be moderated by the use of electromagnetic screening measures with the development. Such mitigation has previously been accepted by Jodrell Bank in discharging

the electromagnetic insulation condition imposed on the previous reserved matters application for this scheme on this site.

Notwithstanding this, it is considered that this impact upon Jodrell Bank should be given limited weight against the scheme in the planning balance

Social Sustainability Conclusion

Social benefits in the form of the provision of 45 market and affordable dwellings are provided. Given the previous planning permission on site, the educational and health impact have already been factored into the housing land supply calculation, to require any additional mitigation would in effect double count the site and would fail the CIL Regulations. A policy compliant level of on site play and open space is provided.

A very important pedestrian link is provided through the site from the area of the Congleton Link Road to Forge Lane which will create a direct link for pedestrians to access the town centre from the @ 2000 houses and employment zones identified as part of the development of the northern part of Congleton associated with the Link Road. This is a significant negotiated betterment of the scheme for the whole town.

The accessibility of low or zero emission transport options has increased significantly since the previous permission in 2015 has the potential to help mitigate the impacts of transport related emissions. Planning policy has also been adopted to ensure the uptake of these options is maximised. It is considered appropriate to create infrastructure to allow home charging of electric vehicles in all new, modern properties. This can be controlled by condition.

With regard to land contamination and dust, it is considered that conditions can satisfactorily safeguard future living conditions. As such, subject to the above conditions, it is considered that the proposal would not create any significant amenity concerns.

In terms of social sustainability, it is considered that negative impacts of the proposal can on the whole be mitigated by condition/S106. It is considered that the social benefits of the scheme, through the provision of social and market housing, and the significant benefit of the delivery of a pedestrian link through the site from the north of Congleton enabling existing and future residents the ability to walk into the town centre via a direct route outweighs the harm identified as being the relatively minor impact upon the Jodrell Bank telescope and the non standard tenure split in the 30% affordable housing provided. As such, it is considered that on balance the proposal would be socially sustainable.

ENVIRONMENTAL SUSTAINABILITY

The layout of the site is virtually identical to the scheme approved under 16/3859c, with the differences being:

- the creation of and underground foul water pumping station
- Electricity sub station
- Ochre Disposition bed (underground)
- surfaced access to serve the pumping station/ substation and to allow access for maintenance vehicles into the land intended to be maintained by the CWT

- the safeguarding of the pedestrian link through the site for future implementation

This site is within open countryside however, the land to the rear of the building envelope was previously intended to be an ecology area. It is considered that the functional items now proposed are essential for the purposes of the adequate infrastructure provision within the housing development and that the limited works are mainly below ground and do not materially impact upon the openness of the countryside, particularly when viewed in the site context. On this basis, the incursion into the ecology area is considered acceptable. The negotiated link through the site, mentioned in various parts of this report, is not designed at this stage and would need to be delivered via the Council. The flexibility of design of the future link (which is intended for pedestrian use only) together with the proposed management of the land to the rear of the site by the Cheshire Wildlife Trust differs from the previous approvals on site. This is as a direct result of the development of the Congleton Link Road and its Masterplan to the north of the site, which identifies this site as being the most appropriate direct route for pedestrians to get from the developments in the north to the town centre.

Ecology

Wildlife corridor

As with the previous consented applications at this site part of the proposed development encroaches into the Congleton Wildlife Corridor as protected by Congleton Local Plan policy NR4 and Cheshire East Local Plan policy SE3. A commuted sum was agreed under the previous application to compensate for the loss of semi-natural habitat within the Wildlife Corridor. The current application again includes a Unilateral Undertaking making committing to the payment of a commuted sum of £7,905.00 in compensation for this loss.

The revised scheme proposed as part of this application however includes a pumping station and sub station is located what was referred to as the 'Grassland Area' under the master plan submitted with the previous applications at this site and these additional features present an additional loss of habitat from within the designated Wildlife Corridor.

The submitted Ecological and Landscape Update report states that all habitats within the footprint of the development including the additional areas has been removed. I visited the site on the 12th September 2017 and all of the area previously recorded as bare ground had been colonised by vegetation including those associated with wetland habitats.

The proposed pump house and substation will therefore lead to a loss of semi-natural habitat from within the boundary of the Congleton Wildlife Corridor. Consequently I advise that the pump house and substation must be relocated to avoid any further loss of habitat.

Ancient Woodland/Local Wildlife Sites

Plots 1 to 16 back onto Forge Wood Local Wildlife Site which is ancient semi natural woodland (ASNW). Habitats of this type receive specific protection through paragraph 118 of the NPPF. The proposed housing in this location has the potential to have an adverse impact upon this ancient woodland. Planning consent for these houses was however granted under the previous application, with some mitigation in place. The same mitigation is proposed in this case.

The proposed pumping station and substation are also adjacent to the ancient woodland and have the potential to have an adverse impact on the woodland as a result of dust and noise during the

construction phase and the loss of non-woodland habitat which supports the biodiversity interest of the ancient woodland. These have been moved away from the woodland.

Flood Risk and Drainage

The application site, adjoins the River Dane and is within Flood Risk Zone 2. Road and levels have already been formed on site. Finished Floor and Road levels have been elevated to address flood risk matters previously identified by the Flood Risk Officer and the Environment Agency.

The Environment Agency have reviewed the supporting information and advise that they have no objections, subject to conditions. United Utilities have no objection subject to conditions.

No comments have been received from the Flood Risk Manager, however, Engineers visited the site at the request of the case officer in September 2017 and advised that they were satisfied with the surface water drainage solutions installed as part of the unauthorised commencement of the previous development. It is therefore concluded that the Flood Risk Manager has no further comment to make

Contaminated Land

The site is formerly a heavy engineering site which was heavily contaminated. Development commenced on the original permission without adequate discharge of contaminated land conditions (amongst others). Such was the concern about this matter that had the Applicant not ceased works voluntarily in September 2017, it was likely that a Stop Notice would have been served.

The Environment Agency and the Councils Contaminated Land Officer required a considerable amount of additional and updated information in connection with this issue as part of this application.

Both the Environment Agency and the Contaminated Land Officer are now satisfied that the updated information is adequate to address their concerns and subject to conditions the remediation put forward as part of this application will adequately address the site's contamination.

Highways Implications

The point of access and quiet lane works to Forge Lane would not be altered as part of this application and the wider traffic impact of the development was previously considered to be acceptable. The internal highways layout is unchanged from the scheme previously allowed.

Design and Layout

The Council has adopted Supplementary Design Guidance 'Cheshire East Design Guide' which is an important material consideration to which some weight is attached in this case. The Councils Urban Design Officer was involved in the evolution of the layout of the scheme granted permission previously

Congleton is a Silk Town within the Guide. It has a hilly topography which adds to its character in the centre, which is characterised by terraced properties that creates well defined streets that also

create the strong townscape in the centre. Brick and render are the traditional material. Traditional detailing varies depending on house type. Terraced housing is simply detailed, tall vertical windows, chimneys, wedge lintels. Embellishments include string courses in brick or stone, bay windows, dentilling bricking to corbals, eaves brackets. Larger semi and detached houses comprise more ornate detailing including moulded stonework, decorative brickwork, mock-tudor effects to gables.

The NPPF attaches great importance to the design of the built environment with paragraph 64 indicating that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area'. Nevertheless consideration must also be given to paragraph 60 which emphasizes that 'decisions should not attempt to impose architectural styles or particular tastes' but should 'seek to promote or reinforce local distinctiveness'.

Creating well defined streets and spaces

Are buildings designed and positioned with landscaping to define and enhance streets and spaces and are buildings designed to turn street corners well?

In this case there are a variety of house types and styles, ranging from 1 bed flats to 4 bed detached dwellings. All properties are a max of 2 storeys in height. Key focal units turn corners with bay windows. The positive and externally orientated perimeter dwellings are welcomed with all areas of open space, the LEAP, footpaths and highways well overlooked by the proposed dwellings, giving high levels of passive surveillance.

In terms of the detailed design the proposed dwellings include canopies, cill and lintel details. Whilst brick facings are the predominate material, there are a number of focal point properties within the street scene that utilise render as a design tool.

The design of the proposed dwellings are in keeping with the semi rural nature of the area and their scale is considered to be acceptable and would not detract from this part of Congleton.

The landscape of the area is also considered to be a priority consideration in the overall design of this site. The site adjoins Forge Wood, an important habitat and there are a number of mature and attractive trees within the site and to its periphery, which are retained.

Internally within the site the proposed development would be include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be limited with the majority provided to the side/rear of the dwellings.

In terms of the landscaping within the development site, including the revised proposals for the future management and ownership of the large area of open land/ecological land previously the subject of Residents Management Company control and now negotiated to be taken by Cheshire Wildlife Trust is discussed elsewhere within the report.

The Hierarchy of streets is not defined as you go through the site, however, this is a legacy of the previous planning permission on the site, which pre-dates the design guide. In this context, whilst the layout of the streets the same as the layout already approved. It is important that hard landscaping and

street detailing is sympathetically dealt with specific regard to the hard landscaping materials used. A condition is suggested to ensure this layout improves the street layout and quality of materials in line with the Design Code.

Connections

Does the scheme integrate into its surroundings by reinforcing existing connections and creating new ones; whilst also respecting existing buildings and land uses along the boundaries of the development site?

Yes - the internal housing layout is no different than the approved scheme. However, there is a safeguarded link negotiated by Officers as a response to the post Appeal Decision development of the Congleton Link Road/development sites Masterplan.

The sizeable area of land previously identified as a wildlife area was originally put into a Residents Management Agreement. Such an Agreement is not considered appropriate now given the negotiated solution that the site will allow a link from the Link Road to the town centre via this site.

The Cheshire Wildlife Trust (CWT) have been encouraged to take stewardship of the land in question. Such public ownership is considered to have significant benefits, however, the CWT require commuted payment of £88,000 for the 25 year maintenance of the land in question. This is considered elsewhere. However, this would allow the creation of highly sustainable direct route from the North of Congleton through the site to the town centre.

Facilities and services

Does the development provide (or is it close to) community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes?

Yes. This issue has previously been considered by the Inspector.

Public transport

Does the scheme have good access to public transport to help reduce car dependency?

Yes, the A34 has a bus stop close by with buses to Congleton town centre, Sandbach and onwards

Meeting local housing requirements

Does the development have a mix of housing types and tenures that suit local requirements?

Yes. There are 1,2,3 and 4+ bed units catering for all housing needs in this location.

Working with the site and its context

Does the scheme take advantage of existing topography, landscape features (including watercourses), wildlife habitats, existing buildings, site orientation and microclimates?

Yes, the scheme utilises the land to the rear of the site and subject to S106 Agreement takes the ecological land to the rear of the site, which would have been controlled by Residents Management Company by future residents within the development site into the stewardship of the Cheshire Wildlife Trust. Important landscape features and trees are retained although the approved houses are close to existing TPO'd trees in Forge Wood, the trees in the wood are retained.

Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

Internally within the site the proposed development would include a mix of car-parking solutions. The amount of car-parking to the front of the proposed dwellings would be limited with the majority provided to the side/rear of the dwellings. The layout is no different than the approved scheme.

Public and private spaces

Will public and private spaces be clearly defined and designed to be attractive, well managed and safe?

There is a well overlooked LEAP and a corridor of open space adjoining the periphery of the housing area. It is considered that the development would create an attractive and safe area of public open space.

The link through the land to the rear of the site, together with the land being taken into the ownership of the Cheshire Wildlife Trust, would have significant benefits in terms of the future stewardship of the land in question and with the Wildlife Trusts' involvement this site opens the way for a larger area of land adjoining the River Dane to be utilised for a properly managed ecological area focussed on the River.

External storage and amenity space

Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

The submitted plan shows that all units on the proposed development would have private amenity space with rear access. Cottage style units also have shared rear garden space. Together with the proposed garaging there would be adequate space for future occupiers to store their bins/cycles.

Design Conclusion

The layout, which has previously been granted planning permission, is considered to be acceptable.

Landscape Impact

Forge Lane is a narrow single track road which terminates at this site close to the River Dane. Numerous housing developments are either on going or recently completed down Forge Lane.

The Cheshire Landscape Character assessment identifies that the application site is located beyond the urban boundary of Congleton in Landscape Character Type 13: River Valley and specifically Character Area R5: Upper Dane. This character area extends along the River Dane and is characterised by its steep sided valley, with extensive areas of woodland; the steep valley sides and frequency of woodland ensures that there is little inter-visibility between this character area and adjoining character areas. There are no landscape designations on the site. The landscape area is of ecological value and sits within a wider belt of an area of ecological and wildlife value.

It should be noted that as a former industrial unit and extensive areas of hardstanding, the site was an urbanising element within the landscape. Subject to conditions, particularly with regard to the levels within the site, it is considered that the scheme will sit comfortably in the wider landscape.

The Creation of the link through the site and the potential involvement of the Cheshire Wildlife Trust as owner of the land.

The extensive area of undeveloped land to the rear of the built envelope of the site was previously intended to be managed as part of the Residents Management Company. Future Residents would have to pay an annual fee and the maintenance regime would be reliant upon the Management Company remaining solvent, and residents not refusing to pay fees. Given the aspiration to create a link through the site from the north of Congleton to the town centre, and this site being the ideal site to meet the aspirations of the Masterplan, there is a real concern that the link would be difficult to provide if the future stewardship of the land was in a Private Management Arrangement under the control of future residents.

The negotiated stewardship of the Cheshire Wildlife Trust (CWT) will have a positive impact upon the landscape character of the undeveloped part of the site, which comprises a sizeable area of land to the rear of the built platform. Essentially the area of land, which has some ecological value in its own right, but has even greater value as part of a wider ecological zone focussed on the River Dane, needs to be positively managed with minimal interference for wildlife and natural purposes. It is considered that the CWT are ideally placed to perform such a function and have considerably greater knowledge in the area than a residents management company. It is also considered that the CWT would be the most appropriate working partner to enable the Council to identify and provide the best link for pedestrians through the site.

Clearly, the CWT can not sustain maintenance and management of the land without such activity being funded. In this regard a 25 year maintenance and management fee of £88,000 has been negotiated. This additional funding is achieved by changing the tenure split of the 30% affordable units (65% intermediate and 35% social rent)

Such involvement is particularly important as opposed to a Residents Management Company, given that the pedestrian route through the site being safeguarded to enable the Council to deliver the link in the future needs to be managed by an Organisation which has a track record in the area.

Trees

There is significant tree cover around the periphery of the site. Forge Wood to the west of the site is Ancient semi-natural woodland, subject to TPO protection and as indicated above, the woodland and the river corridor are local wildlife sites.

Within the Arboricultural Impact Assessment (AIA) there is a tree survey with tree categorisation covering 38 individual trees, 5 groups and one hedge. The survey is limited to part of the southern section of the site and excludes much of site including Forge Wood and trees close to the River Dane.

A number of trees are identified as being hazardous and several are recommended for removal on grounds of poor condition. The AIA identifies that the proposals would require the removal of several trees to facilitate development and that the root protection area of a number could be

impacted and protection measures are suggested. In addition, the Tree Officer considers that levels are yet to be adequately addressed

There are no Grade A trees on the site and whilst some Grade B trees would be removed, their public amenity value is limited. Overall, if the site is to be redeveloped, the Tree Officer is satisfied that there would be opportunities for replacement planting in mitigation of losses. It should be noted that plots to the west in particular will be influenced by trees in Forge Wood and this may result in shading of private amenity space. However, the relationships are no different than those previously allowed by the Inspector.

The position of the pumping station has been revised to address the Tree Officer concerns about proximity to the Forge Wood Tree belt. The access provided also functions as an access point for machinery to maintain the land to the rear. Overall, however, subject to conditions it is considered that the provision of the link through the site, together with the proposed involvement of the Cheshire Wildlife trust is a significant benefit in this case which will have many benefits for the town

Environmental Sustainability Conclusion

Subject to conditions as suggested the scheme would not create any significant issues in relation to; design, landscape, trees, highway safety and congestion, drainage or flooding and ecology. In addition, the link through the site will enable future residents a direct walking route to the town centre, where none exists presently. This is a very important contribution to the environmental arm of sustainability by allowing future transport choices for a significant residential and commercial population. On this basis the proposal is considered to comprise an environmentally sustainable form of development

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case the S106 was considered to satisfy this CIL tests as part of the last application. The same requirements (indexed linked) be required to secure the same obligations as originally approved, with the exception of the affordable housing tenure split, which is necessary to amend to provide for the £88,000 management and maintenance fee for 25 years.

In addition, the Applicant has confirmed that they are happy to sell the land to the rear for one pound to the CWT and to ensure that the potential future link is safeguarded. A minimum period of 10 years should be provided to allow the Council to deliver the link

CONCLUSIONS

The principle of development has already been accepted as part of the approvals on this site. This scheme seeks to regularise a development that has already commenced. The site has already been part of the 5 year supply of housing sites since initially getting permission on appeal for 49 houses in 2015.

The negotiated involvement of the Cheshire Wildlife Trust and the safeguarding of a route through the site to link Congleton town centre and the Link Road for pedestrians is a significant benefit to sustainability for the whole of Congleton. The future of management of the land to the rear of the site is most appropriately controlled by the Wildlife Trust, who have greater expertise than any private management company would have in this matter. The Wildlife Trust, however, require financial compensation for the maintenance liability of the land. In this case, £88,000 is agreed between all parties. This is proposed to be funded by a different tenure split for the affordable units on site (35% affordable rent and 65% intermediate)

The development, together with the safeguarding of the provision of a link through the site would have significant social, economic and environmental benefits for the whole of Congleton.

Balanced against these benefits must be the adverse impacts, which in this case would be the relatively minor impact upon the operation of Jodrell Bank and the alternative tenure split in affordable housing.

All other issues are considered to be mitigated by the use of planning conditions or the requirements of the S106 Agreement and as such, are considered to have a neutral impact.

In terms of affordable housing, wider traffic generation, landscape, trees/hedgerows, ecology, POS, sustainability and flood/risk drainage, there would be no greater impact than the original scheme and the appropriate mitigation will be secured through the use of planning conditions and a S106 Agreement.

It is therefore recommended that permission be granted

Subject to a 21 day notification period to the University of Manchester (Jodrell Bank) of the intention to grant planning permission and the following:

HEADS OF TERMS

- **30% affordable units (13 total) in the 65% (intermediate):35% (affordable rent) split**
- **£10,000 off-site contribution for highway works on Forge Lane (Quiet Lane) - figure to be adjusted for inflation (from January 2015) to be paid within 28 days of grant of permission**
- **£10,000 highways contribution to fund TRO to Forge Lane - figure to be adjusted for inflation (from January 2015) to be paid within 28 days grant of permission**
- **Cheshire Wildlife Trust to be sold land to rear (for £1) of built area and provided with management and maintenance fee of £88,000 - full fee to be lodged with the Planning Authority prior to 1st occupation of the site, Cascade provision to allow Council to consider whether it wishes to take ownership of land in event that CWT no longer wishes to be involved. Reversion to Private Management only if Council does not wish to take ownership**

- Link through site from Congleton Link Road to Forge Lane to be safeguarded. Council to be allowed on to site to form link. Minimum period of 10 years set aside to allow Council to provide the link
- Ecological mitigation payment of £7,905.00 - figure to be adjusted for inflation (from January 2015) to be paid within 28 days grant of permission
- Private residents management company to maintain all areas of open space/LEAP and all other defined areas(including 10 m zone to rear of all houses adjacent to woodland) not within the management of Cheshire Wildlife Trust, children's play space in perpetuity in accordance with management scheme

And, the following conditions;

1. Plans
2. Materials as submitted
3. Details of electricity substation/pumping station and associated structure to be submitted/approved
4. Submission and approval of land Verification report/ no occupation
5. no development on undeveloped areas until remediation strategy submitted /approved
6. unforeseen contamination
7. Garden soil testing for contamination prior to implementation
8. Compliance with scheme for disposal of foul and surface water as previous scheme
9. Finished floor levels/road levels minimum as per previous approval
10. Forge Lane improvements compliance
11. Compliance with archaeology report
12. Construction and Environmental Management Plan, inc wheel washing –/approval; piling, dust control - compliance with info submitted and approved
13. Approved landscaping implementation
14. compliance with ecological buffer zone as required by original pp
15. Amending condition for design and surfacing of streets and areas of hardscape (including driveways) shall be submitted to and agreed in writing by the LPA to comply with Design Guide (within 28 days of permission and implementation prior to occupation)
16. Breeding birds and roosting bat features – compliance
17. reasonable avoidance measures compliance
18. finished road and floor levels compliance
19. Residential travel plan inc residents information pack
20. Car charging for each dwelling - submission of details within 28 days of permission and implementation prior to 1st occupation
21. Tree and hedgerow Protection scheme – compliance with previous approved scheme
22. Scheme for the incorporation of electromagnetic screening measures (protection of Jodrell Bank telescope) compliance with previous approval
23. Ultra Low Emission boilers submission of details within 28 days of permission and implementation prior to 1st occupation
24. Permitted development removal - fences/means of enclosure forward of building line
25. compliance with levels proposed
26. remediation strategy compliance
27. no occupation until verification report approved
28. Superfast broadband provision submission of details within 28 days of permission and implementation prior to 1st occupation
29. Piling details compliance

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) of the 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 the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the Heads of Terms as detailed above.

