

Application No: 22/0304C

Location: Land West of PADGBURY LANE, CONGLETON

Proposal: Proposed erection of 3no dwellings off Thistle Way / Padgbury Lane. Land previously identified for 180sq.m health related development (class D1 use)

Applicant: Mr Sutton, Stewart Milne Homes

Expiry Date: 13-Jan-2023

SUMMARY

The site lies within the settlement boundary for Congleton and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 of the CELPS and PG9 of the SADPD.

The site is sustainably located and is in easy walking distance of Congleton Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS.

The site layout secures an acceptable relationship with the neighbouring dwellings. There is no conflict with Policies HOU12 and HOU13 of the SADPD.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with CO2 of the CELPS and INF3 of the SADPD.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS and ENV2 and ENV16 of the SADPD.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS and ENV6 of the SADPD.

An acceptable design has been provided and the proposal would comply with Policy SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and the NPPF.

Affordable Housing would be provided in the form of one unit and the development complies with Policy SC5 of the CELPS.

The application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

RECOMMENDATION

APPROVE subject to the imposition of planning conditions and the completion of a S106 Agreement

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Akers-Smith for the following reasons;

'These 4 houses are to replace a promised medical centre which was outlined in the initial plan for 120 houses, having read the comments, none of which are in support of this plan, encouraged new residents to choose to buy a house there because there was going to be a medical centre . The pandemic has delayed the building of the medical centre which means the date it was to be built by has expired which was only 3 years. The development has been approved since 2014 therefore that expiry date has long since passed. If the developers were not going to build the medical centre they should have made prospective residents aware of this, and that there was an expiry date of 3 years on the plan. This was never made clear to residents. That said, the development has been delayed due to the pandemic and I feel this application should be discussed by committee to look at extending the term by which a medical centre is to be built. If it isn't to be built, the area to be left as public open space.

It they did build an additional 4 houses on the site, they would have to remove established trees and hedgerows and this green open space adds to the aesthetics of the development. The location where the proposal is for would create an over development of the site and take away this green open space.

The S106 agreement for the development, states in the application for 120 houses ref 14/3649C there is to be no more than 120 houses to be built. These additional 4 dwellings instead of a medical centre will take the number of houses over the maximum number of houses as detailed in the initial planning application for the medical centre.

The development was built on open countryside and was approved at appeal because CEC did not have a Local Plan. Now the Local Plan is in place, these 4 houses are not needed to fulfil the housing numbers required.

On the design and access statement it states there is to be a shared footpath/cyclepath built connecting the back of the development along the riverbank, this has not been built. The site is about 300m away from a high school and no pavements have been added to facilitate active travel to school.

The drainage facilities are already oversubscribed and an additional 4 house would add to this.

The internal roads are narrow with cars being parked on pavements, an additional 4 houses at the front of the development would increase pavement parking.

It is disingenuous of the developer to build a site with a promised medical centre, to change their minds and not build it. There have been over 1000 new houses built in this area and there has not been a single new service added to any of the developments. No bus service, no pavements, no doctor or dentist facilities. The nearest shops are about 500m away and the nearest doctors surgery is almost 2 miles away'

PROPOSAL

This is a full planning application for the erection of 3 dwellings (reduced from 4 dwellings during the course of the application). The proposed dwellings would be sited at the junction of Padgbury Lane and Thistle Way.

SITE DESCRIPTION

The application site lies to the south-western side of the junction of Padgbury Lane and Thistle Way.

The application site is a roughly rectangular plot of land which forms part of a larger development which is currently under construction.

The site includes a number of trees and soft landscaping.

The site is surrounded by residential properties to all sides.

The site lies largely within the Congleton Settlement Boundary.

RELEVANT HISTORY

17/4558C - Reserved Matters for appearance, layout landscaping and scale further to outline permission 17/3808c (variation of conditions attached to appeal APP/R0660/A/14/2221324) for up to 120 dwellings, up to 180 sq. m of health-related development, community facilities and associated infrastructure – Approved 6th March 2018

17/3808C - Variation of conditions 5 & 19 on application 13/4219C (Appeal ref: APP/R0660/A/14/2221324) for outline planning for up to 120 dwellings, up to 180 sq. m of health-related development, community facilities and associated infrastructure – Approved 6th November 2017

16/5301C - Application to vary conditions 5 and 19 on approval APP/R0660/A/14/2221324 (13/4219C) accompanied by an Environmental Impact Assessment – Withdrawn 22nd January 2018

14/3649C - Outline application for development of land to the west of Padgbury Lane, Congleton for up to 120 dwellings, up to 180 sq. m of health-related development (Use Class D1), community facilities and associated infrastructure - (Resubmission of application reference 13/4219C) – Refused 23rd February 2015

13/4219C - Outline planning for the development of land for up to 120 dwellings, up to 180 sq. m of health-related development (Use Class D1), community facilities and associated infrastructure – Refused 30th April 2014 – Appeal Lodged – Appeal Allowed 7th August 2015

17002/1 - Three detached houses with garages – Refused 10th September 1985

3797/1 - Detached house – Refused 4th August 1976

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy (CELPS)

PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 – Developer Contributions
SC1 – Leisure and Recreation
SC3 – Health and Well-Being
SC4 – Residential Mix
SC5 – Affordable Homes
CO1 - Sustainable Travel and Transport
CO4 – Travel Plans and Transport Assessments
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 8 – Renewable and Low Carbon Energy
SE12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management

Cheshire East Draft Site Allocations and Development Policies Document (SADPD)

PG9 – Settlement Boundaries
GEN1 – Design Principles
ENV2 – Ecological Implementation
ENV3 – Landscape Character
ENV5 – Landscaping
ENV6 – Trees, Hedgerows and Woodland Implementation
ENV16 – Surface water Management and Flood Risk
HOU1 – Housing Mix
HOU12 – Amenity
HOU13 – Residential Standards
HOU14 – Housing Density
HOU15 – Housing Density
HOU16 – Small and Medium Sized Sites
INF1 – Cycleways, Bridleways and Footpaths
INF3 – Highways Safety and Access
INF9 – Utilities

Neighbourhood Plan

The Congleton Neighbourhood Plan has been withdrawn and can be given no weight.

National Policy

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

Of particular relevance are paragraphs:

11. Presumption in favour of sustainable development.

60-80. Delivering a Sufficient Supply of Homes

126-136. Achieving Well Design Places

CONSULTATIONS (External to Planning)

CEC Strategic Housing Manager: No objection. The applicant has now provided both an acceptable Affordable Housing Statement and Layout Plan.

United Utilities: General comments provided.

Environment Agency: No comments received.

Jodrell Bank: No comments received.

Head of Strategic Infrastructure: No objection subject to the imposition of an informative.

CEC Environmental Health: The following conditions are suggested; electric vehicle infrastructure, low emission boilers and contaminated land.

VIEWS OF THE TOWN COUNCIL

Congleton Town Council: Object to the application due to the following;

- Over development of the area.
- Out of keeping with the area.
- Highways issue in terms of the junction becoming even more dangerous than it already is due to lack of visibility.
- Loss of green space.
- Exacerbate existing issues with United Utilities in the area (sewers collapsing)

OTHER REPRESENTATIONS

Letters of objection have been received from 31 local households raising the following points;

- The entrance to the estate is very narrow and is only wide enough for single lane traffic
- The construction of dwellings at the corner will affect visibility and result in parked cars affecting pedestrian safety.
- Construction vehicles will restrict access to the site and will cause health and safety issues (emergency access)
- Increased congestion
- Highway safety

- The grassed area at the entrance to the estate was a major selling point. Its loss would be detrimental to the estate
- The original plans showed a health centre on the site. Why have the plans changed?
- Loss of trees
- Lack of parking provision
- A management company has already taken over green and communal spaces
- Where will construction vehicles/materials/machinery be stored
- Block entrance to the estate
- The space should be left as greenspace as it creates an aesthetically pleasing entrance to the estate
- Loss of privacy
- Loss of light
- Increased noise from the proposed dwellings
- The proposal would not be in keeping with the area
- Hundreds of homes are planned for Congleton and a further 4 are not needed
- Impact upon mental health
- Damage caused by vibration from heavy machinery
- Overdevelopment – houses crammed onto the site
- Proximity of the driveways to the Thistle Way/Padgbury Lane junction
- Reduction in visibility
- Increased traffic
- Disturbance from construction – noise and dust
- Stewart Milne did not keep to the permitted construction hours
- The site is unsustainable
- Impact upon protected species
- A medical centre is needed in Congleton
- Construction on the wider site has been taking place for 3 years, and should not be extended
- Padgbury Lane is being used as a rat run
- Padgbury Lane is not gritted
- Vehicles have to cross the carriageway when exiting Thistle Way – this is not safe
- The development will create difficulty in accessing Spen View
- No need for further houses
- Drains along Padgbury Lane are in a poor state of repair
- Inadequate manoeuvring space at the junction
- Impact upon wildlife
- The space is already being maintained by the residents management company
- No benefit in approving this development
- If approved the development will exceed the total of 120 dwellings approved on the site
- Another development has permission for housing refused on the site of a medical centre
- All objections from the 4 house and 2 house schemes should be carried forward
- Where will the site compound be located?
- The site was designed with a fixed number of dwellings (120). This is contrary to the S106 Agreement.
- Further affordable housing will damage the development
- How many revised plans will be allowed to be submitted for this application

APPRAISAL

Planning History

As noted above and within the representations received as part of this application this wider site was granted outline planning permission as part of application 13/4219C for the erection of up to 120 dwellings, a health-related development of 180m² (use Class D1), community facilities and associated infrastructure. This Outline planning permission was allowed at appeal following an appeal.

As part of application 13/4219C, the S106 Agreement requires the following;

- The owners covenant to reserve the Medical Centre for use as such for a period of three years from the commencement of development

As part of the appeal decision for the outline application the Inspector considered the Unilateral Undertaking and planning conditions and at paragraph 70 states that;

'Appeal proposal A includes provision for up to 180m² of health-related development, the location of which would be adjacent to the site access. This was originally envisaged as a surgery, but the NHS does not support this element of the proposed development, pointing out that health services should be maintained at key locations where patients are able to access a range of services. Nevertheless, the planning obligation for site A would reserve that part of the site for use as a medical centre for three years should circumstances change. In view of the consultation response from the NHS, I do not consider that this provision of the obligation meets the test of necessity'

At paragraph 73 the Inspector then stated that *'I have found that the safeguarding of land within site A for a medical centre does not meet the test of necessity, and that the supplemental highways contributions would not be fairly and reasonably related in scale and kind to the developments, and I am unable to take them into account in determining the appeals'*.

At the conditions section the Inspector stated at paragraph 75 that *'In order to safeguard the living conditions of future residents, the reserved matters should include a scheme of noise mitigation, and the D1 use should be restricted to medical and healthcare purposes'*. Condition 11 imposed by the Inspector then states that *'The D1 use hereby permitted shall be limited to medical and healthcare uses only and for no other use falling within the D1 Use Class'*.

Reserved Matters approval was granted for the site (120 dwellings, highways, public open space, play facility and associated works) as part of application 17/4558C. This Reserved Matters application identifies the medical centre land, and this is what this current application relates.

Although the previous application permitted 120 dwellings on the site, there is nothing to prevent the developer making an application to increase the number of dwellings on the site.

Principle of Development

The site is located within the settlement boundary for Congleton (a Key Service Centre). Policy PG2 states that in the key service centres *'development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability'*.

Policy PG9 of the SADPD identifies that within settlement boundaries, development proposals (including change of use of land) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with other relevant policies in the local plan.

Although the S106 Agreement completed as part of the outline consent includes a covenant to reserve the Medical Centre for use as such for a period of three years from the commencement of development, this was not considered to be necessary by the Inspector. In any event the S106 Agreement required the Medical Centre for use for a period of three years which has now passed with no reference to marketing.

Despite this a condition was imposed to restrict the D1 use to medical or healthcare uses only, but not to secure its provision. The D1 Use Class would cover medical/health, creche/day nursery, education provision, museum, library, public hall or place of worship.

As a result, there is no requirement to insist that the site is used for a health-related use (D1). Given the location of the site within the settlement boundary the principle of the development is considered to be acceptable.

Location of the site

Policy SD1 states that wherever possible development should be accessible by public transport, walking and cycling (point 6) and that development should prioritise the most accessible and sustainable locations (point 17). The justification to Policy SD2 then provides suggested distances to services and amenities.

In this case the site is within the Settlement Zone Line for Congleton. As such the site is considered to be highly sustainable and services and facilities could easily be accessed by non-motorised forms of transport. The site is considered to be sustainably located and complies with Policies SD1 and SD2.

Housing Mix

Policy SC4 of the CELPS requires that developments provide an appropriate mix of housing (however this does not specify a mix). In this case the development would provide 2 x three bedroom unit and 1 x two bedroom unit.

In terms of dwelling sizes, it is noted that HOU8 of the SADPD requires that new housing developments comply with the Nationally Described Space Standards (NDSS). As part of the SADPD Inspectors post hearing comments he accepts this requirement but states that;

'as advised in the PPG, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of space standards into future land acquisitions. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS, following the adoption of the SADPD, should be adequate. This should be included as an MM to criterion 3 of Policy HOU 6'

The applicant has provided the following table to show the current position in terms of the house types and NDSS compliance. This shows that 1 of the units is NDSS compliant and that 2 units are not NDSS compliant. Given the 6-month transitional period referred to by the SADPD Inspector this is considered to represent an acceptable compromise.

Affordable Housing

This is a full application for 3 dwellings. The site forms part of a wider site which provides 36 dwellings as affordable homes (30% of 120). This development will increase the number of dwellings on the wider site to 123 and there is a requirement for additional affordable housing units (30% of 123 = 36.9). As a result, one unit should be provided as affordable rent.

In this case an Affordable Housing Statement has been provided and this identifies that 1 unit would be provided as an affordable unit. The proposed development complies with Policy SC5 of the CELPS.

POS

The Reserved Matters application provides over 21,000sqm of POS, which is a large over provision for the entire site. Given the over provision of open space being provided on the wider site, it is not considered necessary to require further provision as part of this application.

Highways Implications

The site is currently an area of landscaping at the entrance to a new residential estate and the site is located at the junction of Padgbury Lane and Thistle Way. A number of the representations raise concerns over the siting of properties at this junction in terms of the highway safety implications.

Each dwelling would have a driveway taken from Thistle Way with parking for two parked cars. This complies with the standards set out within Appendix C (Parking Standards) of the Cheshire East Local Plan Strategy.

The proposal for access to each dwelling via a standard vehicle dropped footway crossing are acceptable, as the 2.0m wide footway will provide adequate lateral visibility along Thistle Way for drivers of vehicles both emerging from and approaching the access points.

This site was previously identified as a possible Health Centre, and it is now intended that two residential dwellings are constructed on the site. The proposal would be beneficial in highways terms when compared to a possible Health Centre and there is no objection in terms of traffic generation or highway safety from this proposed development.

No highway objections are raised and the proposal is deemed to adhere with Policies SD1 and CO2 of the CELPS and Policy INF3 of the SADPD.

Amenity

Policy HOU13 of the SADPD identifies the following separation distances;

- 21 metres for typical rear separation distance (24m plus 2.5m per additional storey)

- 18 metres for typical frontage separation distance (20m for three-storey buildings)
- 14 metres for a habitable room facing a non-habitable room (the addition of 2.5m per additional storey)

To the east of the site are properties which front onto Padgbury Lane. The proposed dwelling on plot 121 would have a separation distance of over 26m to the dwellings opposite and the relationship is considered to be acceptable.

To the south of plot 121 is the dwelling at Brooklands House. Brooklands House has its rear elevation facing the application site and the rear elevation of plot 121 would have ground floor patio doors (x1), ground floor window and 2-bedroom windows facing Brooklands House. There would be a separation distance of 21m between Brooklands House and the facing elevation of Plot 121 (excluding the garage extension at Brooklands House) and the relationship is considered to be acceptable.

To the south of plot 123 is the dwelling known as Brooklands Cottage. Plot 123 would be off-set and there would be a separation distance of 12m to the nearest corner of Brooklands Cottage. The relationship is considered to be acceptable.

Policy HOU13 of the SADPD states that proposals for housing development should *'include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development'*. In this case plot 123 would have a garden area of 35sqm, plot 122 would have a garden area of 60sqm and plot 121 would have a garden area of 50sqm. Although the garden area for plot 123 is small it is sufficient to serve a two-bedroom dwelling and would provide adequate space to sit out, dry clothes and store bins etc. The level of private amenity space is considered to be acceptable.

The proposed development would comply with Policies HOU12 and HOU13 of the SADPD.

Air Quality

Policy SE12 of the CELPS 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.

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points and low emission boilers.

Contaminated Land

Residential properties are a sensitive end use and could be affected by any contamination present or brought onto the site. Conditions will be imposed to safeguard against contaminated land.

Trees and Hedgerows

The proposal would result in the loss of two trees on the site a Sycamore (Grade U – Undesirable) and an Ash (Grade B Moderate Value). The trees were accepted for removal as part of the outline application and as such it is not possible to require the trees to be retained as part of this application.

The trees to the boundary of the site would be retained and subject to the imposition of planning conditions relating to tree protection the impact upon trees is considered to be acceptable and would comply with Policy SE 5 of the CELPS and ENV6 of the SADPD.

Design

The importance of securing high quality design is specified within the NPPF and Policies SE1, SD1 and SD2 of the CELPS, the CEC Design Guide and GEN1 of the SADPD.

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

The layout plan shows that 3 two-storey dwellings would be provided at the junction of Padgbury Lane and Thistle Way. Plot 121 would face onto Padgbury Lane with a dual active frontage facing onto Thistle Way, with plots 122 & 123 behind fronting Thistle Way. Padgbury Lane contains a mix of house types and the proposed two-storey unit on plot 121 would not appear out of character in this locality. To the south is the dwelling known as Brooklands House which is positioned onto the back of the pavement, this proposal would retain some landscaping around Plot 121 and provide some landscaping and softening of the development at the entrance to the estate.

The detailed design of the units is very similar to those which have been provided on the wider estate and represents an acceptable design solution.

It is considered that the application complies with Policies; SE1, SD1 and SD2 of the CELPS, the Cheshire East Design Guide SPD and GEN1 of the SADPD.

Ecology

Breeding Birds

If planning consent is granted conditions could be imposed to safeguard breeding birds as part of this development.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. This could be controlled through the imposition of a planning condition.

Flood Risk and Drainage

Policy SE13 of the CELPS states that all development must integrate measures for sustainable water management to reduce flood risk, avoid adverse impact on water quality and quantity within the borough.

The site currently sits within Flood Zone 1. The drainage details can be secured through the imposition of a condition to ensure that the development would comply with Policy SE13 of the CELPS and ENV16 of the SADPD.

Land Levels

A condition will be attached to ensure that details of the proposed levels are approved prior to the commencement of the development.

CONCLUSION

The site lies within the settlement boundary for Congleton and the principle of residential development on the site is acceptable. The developments accords with Policies PG2 of the CELPS and PG9 of the SADPD.

The site is sustainably located and is in easy walking distance of Congleton Town Centre, public transport and services and facilities within the town. The development complies with Policies SD1 and SD2 of the CELPS.

The site layout secures an acceptable relationship with the neighbouring dwellings. There is no conflict with Policies HOU12 and HOU13 of the SADPD.

The development is considered to be acceptable in terms of its impact upon the highway network. The development complies with CO2 of the CELPS and INF3 of the SADPD.

There would be no significant impacts in terms of flood risk drainage or ecology. As such the development complies with SE3 and SE13 of the CELPS and ENV2 and ENV16 of the SADPD.

The impact upon trees is acceptable subject to the imposition of planning conditions. The development complies with Policy SE5 of the CELPS and ENV6 of the SADPD.

An acceptable design has been provided and the proposal would comply with Policy SE1, SD1 and SD2 of the CELPS, the CEC Design Guide, GEN1 of the SADPD and the NPPF.

Affordable Housing would be provided in the form of one unit and the development complies with Policy SC5 of the CELPS.

The application would comply with the relevant policies of the Development Plan as a whole and is recommended for approval.

RECOMMENDATIONS

APPROVE subject to the completion of a S106 Agreement with the following Heads of Terms

S106	Amount	Triggers
Affordable Housing	Affordable housing (1 rented unit)	In accordance with details to be submitted and approved.

And the following conditions;

- 1. Standard Time**
- 2. Approved Plans**
- 3. Materials to be submitted and approved**
- 4. Boundary Treatment to be submitted and approved**
- 5. Landscaping to be submitted and approved**
- 6. Landscaping Implementation**
- 7. Ecological Enhancements**
- 8. Breeding birds – timing of works**
- 9. Low emission boilers provision**
- 10. Electric Vehicle Charging Details to be submitted and approved**
- 11. Contaminated land report to be submitted and**
- 12. Contaminated land Verification Report to be submitted and approved**
- 13. Importation of Soil**
- 14. Unexpected Contaminated Land**
- 15. Cycle storage to be submitted and approved**

In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chair of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee’s decision.

In the event of an appeal, agreement is given to enter into a S106 Agreement with the following Heads of Terms;

S106	Amount	Triggers
Affordable Housing	Affordable housing (1 rented unit)	In accordance with details to be submitted and approved.

