

Planning Reference No:	11/1484C
Application Address:	Land off Windsor Place, Congleton.
Proposal:	Construction of 12 dwellings, widening of Windsor Place and demolition of outbuildings/garages
Applicant:	Allied Homes (Cheshire Ltd)
Application Type:	Full Planning Permission
Ward:	Congleton East
Registration Date:	28 th March 2011
Earliest Determination Date:	23 rd June 2011
Expiry Date:	27 th June 2011
Date report Prepared	11 th August 2011
Constraints:	Conservation Area Tree Protection Orders Protected Open Space

SUMMARY RECOMMENDATION: Approve with conditions, subject to the completion of a Section 106 Agreement relating to financial contributions to offsite provision of public open space.

MAIN ISSUES:

- Principle of the Development
- Housing Need
- Highways and Parking
- Amenity
- Design and Layout
- Landscaping and Trees
- Protected Species
- Impact on the Conservation Area
- Public Open Space Contributions

REASON FOR REFERRAL

This application has been referred to the Southern Planning Committee, as the scheme is a major development of more than 10 dwellings.

PREVIOUS MEETING

At the Planning Committee meeting held on 3rd August 2011, members resolved to defer this application in order allow negotiations to address concerns regarding the 'back to back' housing and for further information on how this application addresses the reasons for refusal of the previous applications.

The four 'back to back' dwellings have been replaced with 2 semi-detached dwellings, which would have almost identical elevations to the previous proposal and the block would move 4m to the north to increase the rear garden size. This alteration has also enabled the distance between the TPO trees and the end plot on the western boundary to be increased by 2m.

The result of these changes is that there would be a reduction in units from 14 to 12 and the consequent reduction in spaces in the private parking court (4 spaces), which would give a small increase to the open space provision.

Having regard to the previous history on the site, the report that was before Committee on 3rd August wrongly stated that application number 08/0042/FUL, was refused, it was in fact withdrawn. The reason it was withdrawn was due to concerns about the design and its impact on the Park Lane Conservation Area.

Application number 05/1085/FUL was refused only on the grounds of the oversupply of housing and this was upheld at appeal. In addition the Inspector was satisfied that it would preserve the character and appearance of the Park Lane Conservation Area and would retain important trees and boundary vegetation.

Application number 05/0481/FUL was withdrawn following a recommendation to refuse on the grounds of oversupply of housing and failure to demonstrate that there would be no adverse effect on healthy trees of amenity value.

Application number 36538/3 was refused on the grounds of oversupply of housing, inappropriate form and layout, detrimental impact on trees and loss of protected open space.

There is currently a shortfall of housing land in the borough; therefore this reason for refusal no longer applies. It is considered that the current proposal is of a form and layout that would preserve the character and appearance of the Conservation Area and that there would be no adverse impact on the health of trees of amenity value. Some public open space is to be retained and a contribution to offsite provision would be secured by Section 106 Agreement. It is therefore considered that the previous reasons for refusal and appeal dismissal have been addressed and that the development should be approved.

Having regard to the issues discussed above, the recommendation for approval of this application still stands.

DESCRIPTION AND SITE CONTEXT

The site is located within the settlement zone line of Congleton and is also partly within the Park Lane Conservation Area. The site comprises part of the rear gardens of several properties that front onto Park Lane, an area of open space, some garages and the carriageway on Windsor Place.

DETAILS OF PROPOSAL

This application is for the demolition of outbuildings and garages, the erection of 12 dwellings and the widening of the carriageway at Windsor Place in order to provide a suitable access to the proposed dwellings. An area of public open space will be retained to the front of the site.

The dwellings would take the form of two blocks of four terraced properties to either side of a pair of semi-detached dwellings and one pair of semi-detached properties would be sited adjacent to the proposed new access off Windsor Place. The terraced and semi-detached properties would be 2.5 storey with dormers and roof lights and the others 2 storey.

There would be a private parking court to the front of the dwellings, with an area of public open space forward of this.

RELEVANT HISTORY

36538/3	2003	Refusal for 11 dwellings
05/0481/FUL	2005	Withdrawn application for 7 dwellings
05/1085/FUL	2005	Refusal for 7 dwellings (Appeal dismissed)
08/0042/FUL	2008	Refusal for 12 dwellings

POLICIES

National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS5 Planning for the Historic Environment
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS23 Planning and Pollution Control

Regional Spatial Strategy

DP1 Spatial Principles
DP2 Promote Sustainable Communities
DP4 Making the Best Use of Existing Resources and Infrastructure
DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility
DP7 Promote Environmental Quality
DP9 Reduce Emissions and Adapt to Climate Change
RDF1 Spatial Priorities
L2 Understanding Housing Markets
L4 Regional Housing Provision
L5 Affordable Housing
RT2 Managing Travel Demand
RT9 Walking and Cycling
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS4 Towns
H1 & H2 Provision of New Housing Development
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access

GR10 New Development & Travel
GR18 Traffic Generation
NR1 Trees & Woodlands
GR22 Open Space Provision

SPG2 Provision of Private Open Space in New Residential Developments

OTHER MATERIAL CONSIDERATIONS

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate **housing**, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:*

- (i) Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after recent recession;*
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

The Government has also stated that there should be a presumption in favour of sustainable development. This states inter alia that: *“There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

OBSERVATIONS OF CONSULTEES

Environmental Protection:

Recommend conditions relating to land contamination and hours of construction and piling.

Environment Agency:

No objections.

United Utilities:

No objections subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer.

Strategic Highways Manager:

Significant pre-application discussion has taken place and this has involved both the internal layout and required improvements to Windsor Place and drainage issues. The developer is committed to providing the improvements to Windsor Place and there is sufficient highway land available for the improvement to be completed. These works will include identified works to third part points of access which are affected by the proposed works to Windsor Place. All of the highway works related to this development can be managed by Cheshire East Council Highway Authority under Section 38 of the Highways Act 1990.

Conditions are recommended requiring submission and approval of a detailed suite of plans for the improvement works to Windsor Place and completion of the widening of Windsor Place prior to first occupation of the dwellings.

Greenspaces:

There is a deficit of both amenity green space and play provision so both will be required. From the proposed site layout Drawing No.3565/04 Rev.D, dated February 2011 and based on 14 dwellings of 2 and 3 bedrooms contributions from the developer would be sought for Townsend Road Play Area and Amenity Green Space.

Amenity Green Space

Enhancement	£2,007.54
Maintenance	£4,493.50

Children & Young Persons

Enhancement	£3,479.66
Maintenance	£11,343.00

VIEWS OF TOWN/PARISH COUNCIL

No objections.

OTHER REPRESENTATIONS

Nine letters have been received relating to this application expressing the following concerns:

- Highway safety
- Impact on protected species
- Development should be sited on 'brownfield' land
- Loss of green spaces
- Loss of the garages on the site
- Disruption caused by construction traffic
- Garden grabbing
- Proposed houses are out of character with the area
- Increased car use

- Visual impact on the Conservation Area
- Impact on protected trees
- Impact on ecology
- Loss of public open space
- Drainage

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the settlement zone line of Congleton where Policy PS4 states that there is a presumption in favour of development provided it is in keeping with the local character and scale and does not conflict with other policies of the local plan.

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing. Therefore, the proposal would assist the Council to meet its housing land requirements and would ease pressure on large previously undeveloped greenfield sites elsewhere within the Borough.

Highways and Parking

The proposal includes improvement works to enable the widening of the carriageway on Windsor Place and the Strategic Highways Manager is satisfied that these improvements can be achieved in order to provide satisfactory access to both the site and the existing properties on Windsor Place. Several of the objectors have expressed concerns about highway safety in relation to this application. However given the expert advice of the Strategic Highways Manager, it is not considered that a refusal on highway safety grounds could be justified.

Ecology - Protected Species & Nature Conservation

In broad terms the site has some nature conservation value in the local context, however none of the habitats present are particularly uncommon or are likely to be species rich. The site is however likely to support breeding birds, some of which, Bullfinch, Dunnock and Song Thrush, are Biodiversity Action Plan Priority Species and hence a material consideration. It is therefore considered necessary to impose conditions to safeguard breeding birds:

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 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. Having regard to this proposal, the required separation distances would be fully complied with and the residential amenity

space provided for the new dwellings would be satisfactory. The nearest residential property to the proposals would be The Trees on Windsor Place, which would be set back 18m from the semi-detached dwelling on plot 1. There would be no principal windows facing that property, nor would there be any significant overshadowing.

There would be some overshadowing of garden space to the rear of the dwelling at the western end of the site, however it is not considered that this would be of such a detriment in order warrant refusal of the application.

Having regard to the residential amenities of neighbouring properties, it is important that conditions are imposed to limit the hours of construction and any piling that may be required. Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity and in compliance with Policy GR6.

Design and Layout

The proposal is for 12 dwellings in the form of two terraces of 4 dwellings, a central pair of semi-detached dwellings and 1 pair of semi-detached dwellings.

The houses on plots 1 and 2, 3 to 6 and 9 to 12 (house types A and C) would have a ridge height of 10.5m and allude to the character of the properties that face onto Park Lane without attempting to copy and mimic them. They would have some presence and stature and would tend to carry along the smaller ones (house type B) which would not be as imposing. It will be important that good quality materials and details are secured by condition to ensure that the appearance of the buildings is acceptable.

Subject to suitable materials being secured by condition, the proposal is considered to be in compliance with Policies GR1 and GR2.

Landscaping and Trees

There are a number of trees both within and close to the boundary of the site. There are also lengths of formal hedging within the site and a prominent section of overgrown hedge to the north that forms the boundary with the area of public open space. Whilst trees within the site are not of particular significance, it is considered that the hedges and boundary trees contribute to the character of the Conservation Area.

There are a number of TPO trees located on land within the curtilage of the property to the west of the site. These trees overhang the application site.

Several trees within the site would require removal in order to accommodate the proposed development, however these are not considered to be of significant value. With regard to the trees that are identified as being retained, the layout respects the recommended root protection areas. The Red Oak on the western boundary does overhang the site and could cause some overshadowing to gardens, however it is not considered that this would be of such significance as to warrant refusal of the application.

The development would be highly visible from the area of public open space to the north of the site and it is recommended that a condition requiring a full landscaping scheme be submitted for approval in writing and then fully implemented, in order to ensure that the site is adequately landscaped. Full details of boundary treatments should also be secured by condition.

Impact on the Conservation Area

The site is partly contained within the Park Lane Conservation Area and as such its impact on that is an important consideration in determining the application.

The part of the site within the Conservation Area predominantly comprises a series of back gardens, originally belonging to the frontage houses on Park Lane, but always separated from them by a small back access lane.

It is not considered that the development of this site would have a significant adverse impact on the character of the Conservation Area, provided that the general leafy character of the spaces is preserved. This view is backed by the specialist advice of the Councils Conservation Officer.

Public Open Space Contributions

The site will have a small area of public open space, however the Greenspaces Department of the Council states that there is a deficit of both amenity green space and play provision. As such they require contributions to offsite provision. The contributions required are detailed in the consultee response in the report and would total £21,323.70 for enhancement and maintenance of the Townsend Road play area and amenity green space.

Other Matters

Some concerns have been expressed about the loss of the garages to people who use them. However it is not for the Council however to control how these privately owned garages are used.

CONCLUSIONS

In conclusion, the proposed development complies with the relevant policies contained within the adopted local plan, in relation to design, amenity, highway safety, the historic environment and ecology. It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION:

Approve subject to the prior completion of a Section 106 Agreement and the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. All brickwork constructed with English Garden Wall bonding**
- 5. Submission of details of chimney stacks and pots**
- 6. All rooflights to be set flush with the roof plane**
- 7. Submission of full details of the finish to the dormers**
- 8. Rainwater goods to be metal finished in black or another dark colour to be agreed with the LPA**

9. All fenestration to be set behind a reveal of 100mm over a shallow stone sill
10. All windows and doors fabricated in timber and painted or opaque stained
11. Full details of fenestration to be submitted for approval
12. Submission and implementation of detailed design and construction specification for the works to Windsor Place and the internal part of the site
13. Completion of the carriageway works to Windsor Place prior to first occupation of the dwellings
14. Measures for the protection of breeding birds
15. Submission of details for the incorporation of features for use by breeding birds
16. Submission of a scheme of landscaping of the site
17. Implementation of approved landscaping scheme
18. Submission and implementation of details of boundary treatments
19. Submission and implementation of a tree and hedge protection scheme
20. Submission of a detailed drainage scheme
21. Submission of a Phase 1 land contamination survey
22. Limits on hours of construction
23. Limits on hours of piling

