

Application No: 11/3695C

Location: MOSSLEY HOUSE, BIDDULPH ROAD, CONGLETON, CW12 3LQ

Proposal: Development of Use Class C2 Residential Accommodation with Care
Comprising 52 Apartments for Persons aged 60 and over, including Car
Parking, Landscaping and Associated Works

Applicant: Mr Kevin Edwards, GLADMAN DEVELOPMENTS LTD

Expiry Date: 15-Dec-2011

**SUMMARY RECOMMENDATION: Approve subject to completion of a
Section 106 Agreement and conditions.**

MAIN ISSUES: Principle of the development, design and scale, amenity
of neighbouring properties, impact on protected trees, impact on protected
species and highway safety.

REASON FOR REFERRAL

Major Development

DESCRIPTION AND SITE CONTEXT

The site previously housed the dwelling known as Mossley House, which has now been demolished in line with the approval of the previous planning application. It is located on Biddulph Road approximately 2km from Congleton town centre. It has an irregular shape and total area of 0.78 ha.

The site contains many mature trees around the edge and to the front, as well as substantial hedgerows along the southern boundary. Some of these trees are protected by TPO and allow significant screening.

The current access is from Biddulph Road to the west of 'The Lodge' that is also in the ownership of the applicant but is not part of the application site. There are two other disused access points to the site off Biddulph Road and on the corner of Biddulph Road and Reades Lane respectively.

The site is located within a residential area, characterised mainly by detached single storey and two-storey family dwellings. The land slopes to the south and east with the neighbouring residential properties to the east being at a lower level than the application site.

DETAILS OF PROPOSAL

The proposal seeks to erect a building to provide 52 apartments for Use Class C2 (Residential Institutions), for persons aged 60 and over, including car parking, landscaping and associated works. A previous approval was granted for a smaller scheme comprising 43 apartments in July 2010.

The development would provide 10No. one bed apartments, 39No. Two bed apartments and 3No. Three bed apartments. In addition there would be a communal lounge and bistro, office and facilities for 24 hour care, reception and small shop for residents, quiet lounge, hairdressers, activities and therapy suite, spa room/assisted bathroom, guest suite, car parking, internal 'buggy' store and amenity space and landscaping.

The building would be sited centrally within the site on a similar footprint to that which was approved in 2010. The overall length of the building would be 72m and would have variable ridge heights ranging from 11.5m at the northern end, 12.3m in the central section and 13.5m at the southern end. In addition a central gable feature at the front entrance would be 15m high at the apex. The previous approval was for a building 12.25m high at the front, lowering to 11.05m at the rear, therefore there would be an increase in height of between 0.4m and 1.2m along the length of the building, the highest elements being at the front.

RELEVANT HISTORY

09/1127C 2010 Approval for the demolition of existing property (Mossley House) and the redevelopment of the land, including, 43No. 1, 2 and 3 bed use class C2 residential accommodation with care, car parking, landscaping and associated works.

08/0552/FUL 2008 Refusal for demolition of existing property and development of 37no. 1 and 2 bed. retirement apartments with associated access, car parking, landscaping and ancillary works

POLICIES

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

PS4 – Towns

H1 & H2 – Provision of New Housing Development

H4 – Residential Development in Towns

H13 – Affordable and Low Cost Housing

GR1 – New Development

GR2 – Design

GR3 – Density, Housing Mix and Layout

GR4 – Landscaping

GR6 – Amenity and Health

GR7 – Pollution

GR9 - Accessibility, Servicing and Parking Provision

GR22 – Open Space Provision

NR1 – Trees and Woodlands

NR2 – Statutory Sites

NR3 - Habitats

SPG1 – Provision of Public Open Space in New Residential Development

SPG2 – Provision of Private Open Space in New Residential Developments

CONSIDERATIONS (External to Planning)

Environmental Protection:

Recommend conditions relating to the hours of construction, piling and floor floating, in order to protect noise sensitive properties close to the site. In addition conditions are recommended relating to external lighting, hours of deliveries and the acoustic enclosure of equipment with the potential to create noise.

United Utilities

Have not responded, however on the previous application they stated that the development would be adjacent to/include their electricity distribution equipment and the applicant must ensure that access rights are maintained and that the equipment is protected.

Highways:

Initially the Strategic Highways Manager had some concerns over the application content and the explanation of the parking ratios against the intended use of the facility. These concerns were expressed and the developer has provided additional documentation and has evidenced similar facilities which operate safely with similar or lower parking provision than this proposal at Biddulph Road.

In addition the developer has offered to provide a Travel Plan for staff to evidence the aims to reduce single occupancy car journeys. Residents will have low car ownership rates, but a pool car for residents has been offered.

In the light of this revised evidence the S.H.M. has no further objection to the proposal and recommends that any permission which may be granted have the following conditions and informative attached:

Condition:- Prior to first occupation the developer will provide a Travel Plan Framework for the facility to the satisfaction of the LPA.

Condition:- Within 6 months of first occupation the developer will provide a Travel Plan for the facility, which will include for the provision of a pool car, to the satisfaction of the LPA.

Informative:- The developer will enter into and sign a Section 184 Agreement under the Highways Act 1980 with regard to the construction of both vehicular points of access.

Informative:- The developer will enter into a unilateral undertaking with the Highway Authority which will indemnify the Authority against Part 1 claims.

Streetscape:

Have not responded, however on the previous application they stated that there was no requirement for financial contributions due to the nature of the proposal.

Natural England

No objections.

Cheshire Wildlife Trust

We commented briefly on the original application about 2 years ago, prior to demolition of the house in 2010. The current application includes copies of Phase One Habitat and protected species surveys carried out in 2007, and supplemented by further surveys in 2008. Since then a further Ecological Appraisal has been made by FPCR Environment and Design Ltd in 2011. This included a repeat of previously undertaken desk top studies as well as a site re-assessment of the original Phase One Habitat Survey from 2007, a bat-roost-potential survey of trees that will be affected by proposed development and a review (not including a new survey) of the ponds within and adjacent to the site. The latter concluded that 'it is highly unlikely that great crested newts would have colonised either of these ponds since the 2008 surveys'. One tree designated for removal (T98) was found to have 'potential for use by roosting bats' although no evidence of it having been used as a bat roost was observed during the survey.

Recommendations from the 2011 appraisal include:

- checking off T98 by a licensed bat worker immediately before removal.
- ensuring that permanent site lighting does not illuminate trees with bat boxes.
- Creation of new areas of grassland suitable for foraging badgers.
- Use of fruit- and nut-bearing species within the planting scheme.
- providing means of escape from deep excavations during construction.
- avoidance of vegetation clearance/removal/maintenance during the bird breeding season (March to September incl.)
- use of native species in new planting schemes.
- Erection of bird and bat boxes on retained trees throughout the site.

Recommendation from the 2008 Protected Species Surveys and Mitigation Recommendations (Solum Environmental) included:

- Badgers; provide badger gates and/or gaps in boundary fencing; provide fruit trees and shrubs (as above).
- **Bats:**
- erect bat boxes on mature trees, prior to demolition of the house. It is not clear from the FPCR report whether this action was taken. If not, it should be part of the current mitigation works and a scheme for bat box provision should be submitted for approval.
- provide bat bricks in the new building/s.
- retain mature trees.
- Plant insect-attracting shrubs in accordance with recommended species lists provided.
- Avoid illumination of bat boxes (as above).

The CWT endorses all the ecologists' recommendations from 2008 and 2011. In addition it is suggested that detailed proposals to show the provision, type and location of bat boxes are submitted for approval by CEC. If planning permission for the development is given CWT

recommends that all the mitigation requirements for protected species are covered by suitable conditions attached to the consent.

VIEWS OF TOWN/PARISH COUNCIL

Recommend refusal on the following grounds:

- The property is out of keeping with the area
- The building is too large for the plot and too high
- Highway issues regarding increased traffic
- Insufficient parking

OTHER REPRESENTATIONS

13 representations have been received relating to this application expressing concerns about the following issues:

- Loss of privacy
- Loss of light
- Overlooking
- Traffic generation and highway safety
- Inadequate parking provision
- Adverse implications for wildlife
- Disruption due to construction traffic and noise
- Design not in keeping with the character of the surrounding area
- The height and scale of the building
- Overdevelopment of the site
- Deciduous screening which will only be effective for part of the year
- Adverse impact on protected trees
- Potential danger to residents in the event of fire
- Loss of security to neighbouring properties

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Transport Assessment
- Care Statement
- Planning Statement
- Air Quality Impact Assessment
- Construction Method Statement
- Phase1 (Desk Study) Investigation Report
- Phase 2 Geo Environmental Report
- Ecological Appraisal
- Arboricultural Report and Implications Assessment
- Draft s106 Planning Obligation
- Ecological Reports

OFFICER APPRAISAL

Principle of Development

The site is within the Settlement Zone Line for Congleton and there is a presumption in favour of development within this settlement boundary under Policies PS4 and H6. There is an extant

permission in place for a similar development of 43 units on the site, which has commenced by virtue of site clearance and drainage works. The site is surrounded by residential development and is in close proximity to Congleton town centre and public transport facilities. The principle of residential development on the site is therefore considered to be acceptable and appropriate, subject to matters of scale and character being adequately addressed.

Design

Layout

The proposed layout follows a similar orientation to the dwelling that has now been demolished with the main elevation parallel to Biddulph Road and set away from it by approximately 40m. The layout will take up a great proportion of the developable space on site, with the result that special road and parking construction measures are required to address concerns for the integrity of the trees.

It should be taken into consideration that a large part of the site (approximately 50%) is unlikely to be available for development as a result of the TPO trees on site, which highlights the intensive use of the part of the site that can be developed.

Scale and Massing

Policy GR2 provides the design criteria that new development will be expected to meet and covers issues such as ensuring that the design is sympathetic to the character, appearance and form of the site and surrounding area, the need for appropriate landscaping and the need for the proposal to respect existing features.

The site is surrounded by detached single residential properties of varying styles from single storey to 2-storey properties, in addition there are some 3-storey apartment blocks further to the west of the site on Hensall Hall Drive and opposite is a 3 storey building with a dormer window in the roof.

A previous application was refused on the grounds that the scale and massing was not sympathetic to the character of the site and the area. This proposal is for a taller building than that approved under application number 09/1127C, however an increase in height of between 0.4m at the rear and 1.2m at the front is not considered to be significant in the context of a building of this size.

Appearance

The design of the proposal has been changed from the previously approved scheme and proposes a building that is constructed of red brick, white render and pitch faced stone, with a grey tiled roof. This is considered to be acceptable and in keeping with the character of buildings in the vicinity.

The front elevation would have a central gable feature to the roof with 2 projecting gable elements finished in render, to either side of the entrance and would be viewed as strong focal point and would be a clearly legible feature of the building. The sides of the building would be broken up by virtue of projecting elements and the use of the mixture of render, stone and red brick and the pattern of fenestration.

Affordable Housing

The Affordable Housing Officer has put forward objections to the proposal due to a lack of affordable housing provision. However, this type of development has been the subject of several planning appeals, and subsequent decisions on these appeals have concluded that the level of care proposed in this type of development would fall under C2 Use Class, and that provided the occupancy of the units is controlled by a Section 106 Agreement, affordable housing provision is not required. It should also be noted that this scheme is identical in terms of use and provision to the previous approval when this was accepted. It is therefore considered that it would not be justified to insist on a level of affordable housing provision within the development.

Amenity

Policy GR6 requires that planning permission for development adjoining or near to residential property should not result in a loss of privacy or sunlight and daylight and SPG2 lays down minimum distances, which should be maintained between residential buildings. The proposed building would exceed the minimum separation distances between dwellings, required by SPG2. Balconies have been included in this new design; however given the separation distances and the existing and proposed screening in the form of trees and shrubs, it is not considered that there would be significant adverse impact on the amenities of neighbouring residential properties. In addition the requirement to submit detailed landscaping proposals will allow the LPA to ensure that the building has adequate screening. These factors render the proposal in compliance with the requirements of SPG2 and it is not considered that there would be a loss of amenity in terms of loss of privacy or sunlight and daylight and is therefore considered to be in compliance with Policy GR6.

Highways

The scheme proposes a one-way vehicle entrance and exit to the front with access road to residents parking on the north western side of the proposed building.

The application site is approximately 1.2 miles away from Congleton town centre by foot and within 0.5 mile there are shops, a post office, Congleton railway station and a church. There is a footpath alongside the carriageway that connects the site to these services. There are two bus stops within 400m of the site on either side of Biddulph Road and both have frequent buses. As mentioned above, Congleton railway station is less than 0.5 mile away with connections that include Manchester, Birmingham and Stoke-on-Trent. It is therefore considered that the site has good public transport infrastructure provision with good accessibility for pedestrians and cyclists.

Some objections have been raised to the proposed development on highway safety grounds, namely increase in traffic, lack of parking provision and disruption from construction traffic.

The highway engineer has done an assessment of the proposed access and egress, internal layout and transport assessment. His comments are listed in this report and he has concluded that the proposed access and egress is acceptable in principle and the proposed visibility details show satisfactory levels of visibility for traffic that will be generated by the development. In addition an assessment of similar facilities which have a similar or lower level of parking provision led the Strategic Highways Manager to conclude that the level of parking provision proposed would be adequate, and would not lead to displaced parking on the public highway. The proposal is therefore considered to be acceptable in highway safety terms.

Ecology - Protected Species & Nature Conservation

The Nature Conservation Officer is satisfied that great crested newts and reptiles are unlikely to be affected by the proposed development.

Badgers

There was some evidence of badgers foraging on the site and it is recommended that the landscaping scheme for the site includes fruit trees around the site boundaries to provide an additional source of food to compensate for the loss of existing foraging opportunities.

Breeding Birds

The site is likely to support a number of breeding bird species including Biodiversity Action Plan priority species. If planning consent is granted it is recommended that the following conditions are attached:

Prior to undertaking any works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.

Prior to the commencement of development the applicant will submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and swifts. These proposals shall be agreed in writing by the LPA. The proposals shall be permanently installed in accordance with approved details.

Legal Agreement – Heads of Terms

The legal agreement will relate to the age and care requirements of the occupants of the units. It will require the 'Approved Occupiers' to be over 60 years of age and to complete a written assessment to identify their care and support needs. This will ensure that the units do not become open market properties that would have required an element of affordable housing to be provided. (This will reflect the terms of the legal agreement on the previous approval)

CONCLUSIONS AND REASONS FOR THE DECISION

The proposed development is within the Settlement Zone of Congleton and will not utilise a site which is allocated or committed for any other purpose in the Local Plan.

The ecology of the site has been considered and sufficient mitigation is possible to ensure habitats can be retained and enhanced. Due to the need to protect the future integrity of protected trees on the site, specialist construction methods and tree protection measures must be submitted by the developer and if acceptable, must be adhered to with strict supervision in place during construction.

The accessibility of the site is considered to be good and contributes to the sustainability of the site and the level of parking provision is considered acceptable for this type of facility.

The amendments to the design and scale of the previously approved scheme are considered to be appropriate to the character and appearance of the site and the surrounding area and would not have any significant adverse impacts on the amenities of neighbouring residential properties.

RECOMMENDATION: Approve subject the developers completing a Section 106 Agreement limiting the occupancy of the units, and to the following conditions:

1. Standard time limit.
2. Compliance with the approved plans.
3. Submission of materials for approval.
4. Submission and implementation of a tree protection scheme.
5. Submission and implementation of an updated specialist construction scheme with accompanying detailed plan.
6. Submission and implementation of drainage scheme.
7. Submission and implementation of landscaping scheme.
8. Submission and implementation of boundary treatment scheme.
9. Submission of details of any fans compressors and other equipment with the potential to generate noise.
10. Submission and implementation of details of any external lighting.
11. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday with no working on Sundays or Bank Holidays.
12. Hours for any floor floating work limited to 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday with no working on Sundays or Bank Holidays.
13. Submission of details of the method, timing and duration of any pile driving operations.
14. Deliveries to and from the site limited to 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday with no deliveries on Sundays or Bank Holidays.
15. Compliance with recommendations in the submitted ecology reports.
16. Protection measures for breeding birds.
17. Submission and implementation of details for the incorporation of features suitable for use by breeding birds.
18. Prior to first occupation, submission of a Travel Plan Framework.
19. Within 6 months of first occupation, submission of a Travel Plan including the provision of a pool car.

